

East India Loans Act, 1937.

[1 EDW. 8. & 1 GEO. 6. CH. 14.]

ARRANGEMENT OF SECTIONS.

A.D. 1937.

Section.

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2. Provisions as to India stock.
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SCHEDULES :

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CHAPTER 14.

An Act to authorise the Secretary of State to borrow in sterling on behalf of the Governor-General of India in Council during the period with respect to which Part XIII of the Government of India Act, 1935, applies; to repeal and reproduce with modifications and adaptations enactments relating to certain financial obligations of the Secretary of State in Council of India, and otherwise to amend the law in relation to certain of those obligations; and for purposes connected with the matters aforesaid. A.D. 1937.

[19th March 1937.]

BE it enacted by the King'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:—

1.—(1) During the period with respect to which Part XIII of the Government of India Act, 1935, applies, the Secretary of State may borrow in sterling on behalf of the Governor-General of India in Council by the issue, on such terms as to interest, redemption, conversion and otherwise as the Secretary of State may think fit, of securities of any one or more of the following kinds, that is to say, stock, bonds, or bills: Borrowing powers of Secretary of State.
26 Geo. 5. &
1 Edw. 8.
c. 2.

Provided that the aggregate nominal amount outstanding of the securities issued under this section and

A.D. 1937. the enactments repealed by this Act shall not at any time exceed three hundred and twenty million pounds.

(2) The Secretary of State may issue such securities, and on such terms, as aforesaid to be applied directly in exchange for, or discharge of, any sterling obligations of the Government of India or any bonds, debentures or debenture stock issued under the guarantee of the Secretary of State in Council or the Governor-General in Council by any railway company under engagement with the Government of India, and any such issue shall for the purposes of the preceding subsection be deemed to be a borrowing.

Provisions
as to India
stock.

2.—(1) In this section the expression “India stock” means India stock issued under this Act or under any of the enactments repealed by this Act.

(2) There shall be kept at the India Office or at the Bank of England books wherein entries may be made of India stock and wherein transfers of India stock or of any part thereof may be entered and registered.

Any transfer so made shall be signed by the party making the transfer or, if he is absent, by his attorney thereunto lawfully authorised by writing under his hand attested by a credible witness, and the person to whom the transfer is made may, if he thinks fit, underwrite his acceptance thereof in the books.

(3) The following enactments, that is to say—

25 & 26 Vict.
c. 7.

The India Stock Transfer Act, 1862 (which relates to the registration and transfer of India stock at the Bank of Ireland);

26 & 27 Vict.
c. 73.

The India Stock Certificate Act, 1863 (which relates to the issue of stock certificates in respect of India stock);

48 & 49 Vict.
c. 25.

Sections three to sixteen of the East India Unclaimed Stock Act, 1885 (which relate to the method in which unclaimed stock and dividends thereon are to be dealt with); and

6 & 7 Geo. 5.
c. 37.

Subsections (1) to (3) of section six of the Government of India (Amendment) Act, 1916 (which relate to the transfer of India stock by deed),

shall apply to all India stock as defined by this section and to no other stock, and the expression “India stock”

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in those enactments, and in any regulations in force thereunder at the commencement of this Act, shall be construed accordingly :

Provided that, after the commencement of this Act, anything authorised by any of the said enactments to be done by or to the Secretary of State in Council may be done by or to the Secretary of State, any account of the Secretary of State in Council shall be deemed to be an account of the Secretary of State, and any money authorised or required to be paid by or to the Secretary of State in Council, or out of or to the revenues of India, shall be payable out of or to the revenues of the Governor-General in Council or, after the establishment of the Federation of India, the revenues of the Federation.

(4) Sections two to seven and nine of the National Debt (Stockholders Relief) Act, 1892, and subsections (1) to (5) of section four of the National Debt Act, 1889, shall apply, and shall be deemed to have always applied, to India stock. 55 & 56 Vict.
c. 39.
52 & 53 Vict.
c. 6.

(5) In the event of the redemption of any India stock, the books relating thereto may be closed for transfers for not more than one month immediately preceding the redemption date.

(6) No stamp duty shall be payable in the United Kingdom in respect of any transfer of, or certificate, dividend warrant or coupon relating to, India stock.

(7) In the exemption numbered (10) under the heading "Receipt given for, or upon the payment of, money amounting to two pounds or upwards" in the First Schedule to the Stamp Act, 1891, after the words "Secretary of State in Council of India, or" there shall be inserted the words "in India stock as defined in section two of the East India Loans Act, 1937, or in the stocks and funds." 54 & 55 Vict.
c. 39.

(8) No notice of any trust, whether express, implied or constructive, shall be receivable by the Secretary of State or by the Bank of England or the Bank of Ireland in respect of any India stock.

(9) A reference in this section to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by, or under, any other enactment, including this Act.

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Composition
for stamp
duty on,
and other
provisions
as to, bonds
and bills.

3.—(1) The Treasury and the Secretary of State may agree for the payment by the Secretary of State on behalf of the Governor-General in Council of an annual composition in lieu of stamp duty on any bonds and bills issued under this Act, or under any enactment repealed by this Act, and bonds and bills to which any such agreement relates shall be exempt from stamp duty in the United Kingdom.

(2) Bonds issued under this Act shall be signed by two of the advisers of the Secretary of State appointed under Part XI of the Government of India Act, 1935, and shall be countersigned by the Secretary of State or one of his Under-Secretaries or Deputy or Assistant Under-Secretaries, and bills so issued shall be signed by one of the Under-Secretaries or Deputy or Assistant Under-Secretaries of State.

All signatures required by this subsection may be impressed or affixed by machinery or otherwise in such manner as the Secretary of State may from time to time direct.

(3) Moneys due and unclaimed in respect of bonds and bills issued under this Act or any enactment repealed by this Act shall be dealt with in like manner, as nearly as may be, as unclaimed dividends due in respect of India stock so issued.

Power of
Secretary of
State to
make
arrange-
ments with
Bank for
issue and
manage-
ment of
securities.

4.—(1) The Secretary of State may arrange with the Bank of England for the Bank to undertake the creation and issue of, the payment of dividends or interest on, and the general management and the redemption or conversion of, any stock or other securities issued under this Act or under any enactment repealed by this Act.

(2) Any arrangement made by the Secretary of State in Council with the Bank of England or the Bank of Ireland under any enactment repealed or applied by this Act with respect to any such stock or other securities shall continue to have effect and shall be deemed to have been made by the Secretary of State under this Act or, as the case may be, under the Act in question as so applied.

5. Section five of the India Stock Certificate Act, 1863 (which provides that stock certificates shall not be granted except for one hundred, five hundred or one thousand pounds of stock), shall have effect and shall be deemed always to have had effect as if for the words "one hundred or five hundred or one thousand pounds" there were substituted the words "fifty pounds, or "some multiple of fifty pounds not, however, exceeding "one thousand pounds."

A.D. 1937.
Amendment
of s. 5 of
26 & 27 Vict.
c. 73.

6. The consequential or other minor amendments set out in the second column of the First Schedule to this Act shall be made in the enactments specified in the first column of that Schedule.

Minor
amend-
ments.

7. Anything which under the terms of, or of any contract relating to, any stock or other security issued under any of the enactments repealed by this Act is authorised to be done by or to the Secretary of State in Council may be done by or to the Secretary of State.

Provisions
as to
existing
securities.

8.—(1) All sums payable by the Secretary of State under this Act or under any other Act relating to India stock (as defined in section two of this Act), whether to the Treasury, a Bank or any other person, shall, before the establishment of the Federation of India, be liabilities of, and be defrayed out of the revenues of, the Governor-General in Council, and thereafter shall be liabilities of, and be defrayed out of the revenues of, the Federation.

Expenses of
Secretary of
State to be
defrayed
out of
Indian
revenues.

(2) Nothing in this Act affects the provisions of subsection (1) of section one hundred and seventy-eight of the Government of India Act, 1935, declaring that certain liabilities of the Secretary of State in Council are to be liabilities of the Federation secured upon the revenues of the Federation and of all the Provinces.

9. Whereas under the East Indian Railway (Redemption of Annuities) Act, 1879, the East Indian Railway (Redemption of Annuities) Act, 1881, the Eastern Bengal Railway Company Purchase Act, 1884, and section twenty-five of the East India Unclaimed Stock Act, 1885, securities of a nominal amount of thirteen million one hundred and seventy-five thousand five hundred and ten pounds thirteen shillings and fourpence were issued by or on behalf of the Secretary of State in

Provisions
as to sinking
fund.
42 & 43 Vict.
c. 43.
44 & 45 Vict.
c. 53.
47 & 48 Vict.
c. cciv.

A.D. 1937. Council in redemption of certain railway annuities and debenture stock :

And whereas under those Acts the Secretary of State in Council has from time to time set apart sums to be applied to the redemption of debt and has thereby reduced the public debt of India by the amount of ten million two hundred and ninety-seven thousand three hundred and twenty pounds five shillings and fourpence :

Now, therefore, until by virtue of the action to be taken by the Secretary of State under this section the public debt of India has been further reduced by the amount of two million eight hundred and seventy-eight thousand one hundred and ninety pounds and eight shillings, the Secretary of State shall set apart annually a sum of two hundred thousand pounds to be applied in such manner and at such time or times as he may think fit in reduction of the debt contracted under this Act and the enactments repealed by this Act.

10.—(1) As soon as may be after the end of each half-year ending after the commencement of this Act the Secretary of State shall lay before Parliament a return of—

- (a) the sterling loans raised under this Act and the enactments repealed by this Act which are outstanding at the commencement of the half-year stating the rates of interest and the total amount payable thereon and the date of the termination thereof;
- (b) the debt incurred under this Act during the half-year and the moneys raised thereby, the loans paid off or discharged during the half-year and the loans outstanding at the close of the half-year;
- (c) the debt redeemed, and remaining to be redeemed, under the last preceding section.

(2) In respect of the half-year ending immediately before the commencement of this Act the Secretary of State shall lay before Parliament the like returns as, but for the dissolution of the Council of India and any repeal effected by this Act, it would have been the duty of the Secretary of State in Council so to lay.

11. None of the provisions of the House of Commons (Disqualifications) Act, 1782, or the House of Commons (Disqualifications) Act, 1801, shall be construed so as to extend to any subscription or contribution to any loan raised under this Act, or any previous Act relating to East India loans.

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Provision as to Members of the House of Commons.
22 Geo. 3. c. 45.
41 Geo. 3. c. 52.

12.—(1) This Act may be cited as the East India Loans Act, 1937.

Short title, commencement, repeal and construction.

(2) This Act shall come into force on the first day of April, nineteen hundred and thirty-seven.

(3) The enactments specified in the second column of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

10 & 11
Geo. 5. c. 67.

A.D. 1937.

SCHEDULES.

Section 6.

FIRST SCHEDULE.**CONSEQUENTIAL AND OTHER MINOR AMENDMENTS.**

- The India Stock Transfer Act, 1862 (25 & 26 Vict. c. 7).
- In section two, the word "half-yearly" shall be omitted.
- In section three, the words "and seals," and the words from "and no stamp duties" to the end of the section, shall be omitted, and for the words "two or more credible witnesses" there shall be substituted the words "a credible witness".
- In section five, for the words from "at any time" to "the half-yearly dividend" there shall be substituted the words "on the day on which the balance for the dividend on that stock is struck, or on either of the two days immediately preceding that day".
- In section six, for the words "Deputy Accountant General" there shall be substituted the words "Deputy or Assistant Accountant General".
- Section eight shall cease to have effect.
- In section nine, for the words "Deputy Accountant General" there shall be substituted the words "Deputy or Assistant Accountant General", and for the words "the closing" there shall be substituted the words "the day on which the balance for dividend is struck".
- In section ten, for the words "each and every half-yearly" there shall be substituted the word "any".
- In section eleven, the words "at the same time" shall be omitted.
- In section twelve, for the words "Deputy Accountant General" there shall be substituted the words "Deputy or Assistant Accountant General".

<p>The India Stock Certificate Act, 1863 (26 & 27 Vict. c. 73).</p>	<p>In section seven, the words from "No stamp duty" to the end of the section shall be omitted.</p> <p>In section ten, for the words "shall not amount to" there shall be substituted the words "does not exceed".</p> <p>Section eleven shall be omitted.</p> <p>In the Schedule, for the words "five shillings on every one hundred pounds of stock" there shall be substituted the words "two shillings and sixpence on every fifty pounds of stock".</p>	<p>A.D. 1937.</p> <p>— 1st Sch. —cont.</p>
<p>The East India Unclaimed Stock Act, 1885 (48 & 49 Vict. c. 25).</p>	<p>In subsection (2) of section three the words "or otherwise, as he may think fit" shall be omitted.</p> <p>In section eight, for the words "or on his assistant under-secretary" there shall be substituted the words "or deputy or assistant under-secretaries".</p>	

SECOND SCHEDULE.

Section 12.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
26 Geo. 3. c. 62	The East India Company (Money) Act, 1786.	The whole Act.
28 Geo. 3. c. 29	The East India Company (Money) Act, 1788.	The whole Act.
29 Geo. 3. c. 65	The East India Company (Money) Act, 1789.	The whole Act.
31 Geo. 3. c. 11	The East India Company (Money) Act, 1791.	The whole Act.
33 Geo. 3. c. 47	The East India Company (Money) Act, 1793.	The whole Act.
34 Geo. 3. c. 41	The East India Company (Money) Act, 1794.	The whole Act.
51 Geo. 3. c. 64	The East India Company Bonds Act, 1811.	The whole Act.
5 & 6 Will 4. c. 64.	The Stamp Duties Act, 1835	Section four.
21 & 22 Vict. c. 3.	The East India Loan Act, 1858	The whole Act.
22 Vict. c. 11.	The East India Loan Act, 1859	The whole Act.
22 & 23 Vict. c. 39.	The East India Loan (No. 2) Act, 1859.	The whole Act.

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—cont.

Session and Chapter.	Title.	Extent of Repeal.
23 & 24 Vict. c. 5.	The Indian Securities Act, 1860	Section three.
23 & 24 Vict. c. 102.	The East India Stock Act, 1860	Section six.
23 & 24 Vict. c. 130.	The East India Loan Act, 1860	The whole Act.
24 & 25 Vict. c. 3.	The Bank of England Act, 1861	Section ten.
24 & 25 Vict. c. 25.	The East India Loan Act, 1861	The whole Act.
25 & 26 Vict. c. 7.	The India Stock Transfer Act, 1862.	Sections one, eight and thirteen.
26 & 27 Vict. c. 73.	The India Stock Certificate Act, 1863.	In section two, the definition of "India stock"; in section five, the words "No notice of any trust in respect of any stock certificate or coupon issued under this Act shall be receivable by the Bank"; sections eight, eleven and sixteen.
32 & 33 Vict. c. 106.	The East India Loan Act, 1869	The whole Act.
34 & 35 Vict. c. 29.	The India Stock Dividends Act, 1871.	The whole Act.
36 & 37 Vict. c. 32.	The East India Loan Act, 1873	The whole Act.
37 & 38 Vict. c. 3.	The East India Loan Act, 1874	The whole Act.
40 & 41 Vict. c. 51.	The East India Loan Act, 1877	The whole Act.
42 & 43 Vict. c. 43.	The East Indian Railway (Redemption of Annuities) Act, 1879.	The whole Act.
42 & 43 Vict. c. ccvi.	The East Indian Railway Company Purchase Act, 1879.	Section fifty-one.
42 & 43 Vict. c. 60.	The East India Loan Act, 1879	The whole Act.
43 Vict. c. 10	The East India Loan (East Indian Railway Debentures) Act, 1880.	The whole Act.
43 Vict. c. 11	The India Stock (Powers of Attorney) Act, 1880.	The whole Act.

Session and Chapter.	Title.	Extent of Repeal.
44 & 45 Vict. c. 53.	The East Indian Railway (Redemption of Annuities) Act, 1881.	The whole Act.
47 & 48 Vict. c. cciv.	The Eastern Bengal Railway Company Purchase Act, 1884.	Sections fifty and fifty-four.
48 & 49 Vict. c. 25.	The East India Unclaimed Stock Act, 1885.	In section two, the definition of "India stock"; in section twenty-one, the words "stock or"; and section twenty-five.
48 & 49 Vict. c. 28.	The East India Loan Act, 1885	The whole Act.
51 & 52 Vict. c. 5.	The Oude and Rohilkund Railway Purchase Act, 1888.	The whole Act.
53 & 54 Vict. c. 6.	The South Indian Railway Purchase Act, 1890.	The whole Act.
55 & 56 Vict. c. x.	The East Indian Railway Company Sinking Fund Act, 1892.	In section twenty-nine, the words "the provisions " of the East Indian Railway " (Redemption " of Annuities) " Act, 1881, as " amended by " the twenty- " fifth section of " the East India " Unclaimed " Stock Act, " 1885, and to " " and the words " and section 25 " of the same " Act."
56 & 57 Vict. c. 70.	The East India Loan Act, 1893	The whole Act.
61 & 62 Vict. c. 13.	The East India Loan Act, 1898	The whole Act.
1 Edw. 7. c. 25	The East India Loan (Great Indian Peninsula Railway Debentures) Act, 1901.	The whole Act.
5 Edw. 7. c. 19	The East India Loans (Railways) Act, 1905.	The whole Act.
8 Edw. 7. c. 54	The East India Loans Act, 1908	The whole Act.
10 Edw. 7. c. 5	The East India Loans (Railways and Irrigation) Act, 1910.	The whole Act.

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2ND SCH.
—cont.

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—cont.

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Geo. 5. c. 37.	The Government of India (Amendment) Act, 1916.	Subsections (4) and (5) of [section six.
12 & 13 Geo. 5. c. 9.	The East India Loans (Railways and Irrigation) Act, 1922.	The whole Act.
13 & 14 Geo. 5. c. 31.	The East India Loans Act, 1923 -	The whole Act.

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