

## CHAPTER 51.

An Act to amend the Law with respect to Persons carrying on business as Money-lenders.

[8th August 1900.]

**B**E it 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 :

1.—(1.) Where proceedings are taken in any court by a money-lender for the recovery of any money lent after the commencement of this Act, or the enforcement of any agreement or security made or taken after the commencement of this Act, in respect of money lent either before or after the commencement of this Act, and there is evidence which satisfies the court that the interest charged in respect of the sum actually lent is excessive, or that the amounts charged for expenses, inquiries, fines, bonus, premium, renewals, or any other charges, are excessive, and that, in either case, the transaction is harsh and unconscionable, or is otherwise such that a court of equity would give relief, the court may re-open the transaction, and take an account between the money-lender and the person sued, and may, notwithstanding any statement or settlement of account or any agreement purporting to close previous dealings and create a new obligation, re-open any account already taken between them, and relieve the person sued from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of such principal, interest and charges, as the court, having regard to the risk and all the circumstances, may adjudge to be reasonable; and if any such excess has been paid, or allowed in account, by the debtor, may order the creditor to repay it; and may set aside, either wholly or in part, or revise, or alter, any security given or agreement made in respect of money lent by the money-lender, and if the money-lender has parted with the security may order him to indemnify the borrower or other person sued.

Re-opening of transactions of money-lender.

(2.) Any court in which proceedings might be taken for the recovery of money lent by a money-lender shall have and may, at the instance of the borrower or surety or other person liable, exercise the like powers as may be exercised under this section, where proceedings are taken for the recovery of money lent, and the court shall have power, notwithstanding any provision or agreement to the contrary, to entertain any application under this Act by the borrower or surety, or other person liable, notwithstanding that the time for repayment of the loan, or any instalment thereof, may not have arrived.

(3.) On any application relating to the admission or amount of a proof by a money-lender in any bankruptcy proceedings, the court may exercise the like powers as may be exercised under this section when proceedings are taken for the recovery of money.

(4.) The foregoing provisions of this section shall apply to any transaction which, whatever its form may be, is substantially one of money-lending by a money-lender.

(5.) Nothing in the foregoing provisions of this section shall affect the rights of any bonâ fide assignee or holder for value without notice.

(6.) Nothing in this section shall be construed as derogating from the existing powers or jurisdiction of any court.

(7.) In the application of this Act to Scotland this section shall be read as if the words "or is otherwise such that a court of equity would give relief" were omitted therefrom.

Registration of money-lenders, &c.

2.—(1.) A money-lender as defined by this Act—

(a) shall register himself as a money-lender in accordance with regulations under this Act, at an office provided for the purpose by the Commissioners of Inland Revenue, under his own or usual trade name, and in no other name, and with the address, or all the addresses if more than one, at which he carries on his business of money-lender; and

(b) shall carry on the money-lending business in his registered name, and in no other name and under no other description, and at his registered address or addresses, and at no other address; and

(c) shall not enter into any agreement in the course of his business as a money-lender with respect to the advance and repayment of money, or take any security for money in the course of his business as a money-lender, otherwise than in his registered name; and

(d) shall on reasonable request, and on tender of a reasonable sum for expenses, furnish the borrower with a copy of any document relating to the loan or any security therefor.

(2.) If a money-lender fails to register himself as required by this Act, or carries on business otherwise than in his registered name, or in more than one name, or elsewhere than at his registered address, or fails to comply with any other requirement of this section, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding one hundred pounds, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both: Provided that if the offender be a body corporate that body corporate shall be liable on a second or subsequent conviction to a fine not exceeding five hundred pounds.

(3.) A prosecution under subsection (1) (a) of this section shall not be instituted except with the consent in England of the Attorney-General or Solicitor-General, and in Ireland of the Attorney-General or Solicitor-General for Ireland.

Regulations as to registration.

3.—(1.) The Commissioners of Inland Revenue, subject to the approval of the Treasury, may make regulations respecting the registration of money-lenders, whether individuals, firms, societies, or companies, the form of the register, and the particulars to be

entered therein, and the fees to be paid on registration and renewal of registration, not exceeding one pound for each registration or renewal, and respecting the inspection of the register and the fees payable therefor.

(2.) The registration shall cease to have effect at the expiration of three years from the date of the registration, but may be renewed from time to time, and if renewed shall have effect for three years from the date of the renewal.

4. If any money-lender, or any manager, agent, or clerk of a money-lender, or if any person being a director, manager, or other officer of any corporation carrying on the business of a money-lender, by any false, misleading, or deceptive statement, representation, or promise, or by any dishonest concealment of material facts, fraudulently induces or attempts to induce any person to borrow money or to agree to the terms on which money is or is to be borrowed, he shall be guilty of a misdemeanour, and shall be liable on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine not exceeding five hundred pounds, or to both.

Penalties for false statements and representations.

5. Where in any proceedings under section two of the Betting and Loans (Infants) Act, 1892, it is proved that the person to whom the document was sent was an infant, the person charged shall be deemed to have known that the person to whom the document was sent was an infant, unless he proves that he had reasonable ground for believing the infant to be of full age.

Amendment of 55 & 56 Vict. c. 4, s. 2, as to presumption of knowledge of infancy.

6. The expression "money-lender" in this Act shall include every person whose business is that of money-lending, or who advertises or announces himself or holds himself out in any way as carrying on that business; but shall not include—

Definition of money-lender.

(a) any pawnbroker in respect of business carried on by him in accordance with the provisions of the Acts for the time being in force in relation to pawnbrokers; or

(b) any registered society within the meaning of the Friendly Societies Act, 1896, or any society registered or having rules certified under sections two or four of that Act, or under the Benefit Building Societies Act, 1836, or the Loan Societies Act, 1840, or under the Building Societies Acts, 1874 to 1894; or

(c) any body corporate, incorporated or empowered by a special Act of Parliament to lend money in accordance with such special Act; or

(d) any person bonâ fide carrying on the business of banking or insurance or bonâ fide carrying on any business not having for its primary object the lending of money, in the course of which and for the purposes whereof he lends money; or

(e) any body corporate for the time being exempted from registration under this Act by order of the Board of Trade made and published pursuant to regulations of the Board of Trade.

59 & 60 Vict. c. 25.  
6 & 7 Will. 4. c. 32.  
3 & 4 Vict. c. 110.

Short title  
and com-  
mencement.

7.—(1.) This Act may be cited as the Money-lenders Act, 1900.

(2.) This Act shall come into operation on the first day of November one thousand nine hundred.

## CHAPTER 52.

An Act to make further provision for a Naval Reserve.

[8th August 1900.]

**B**E it 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 :

Power to  
raise new  
division of  
Royal Naval  
Reserve.  
22 & 23 Vict.  
c. 40.

1.—(1.) It shall be lawful for the Admiralty to raise and keep up a new division of the force raised under the Royal Naval Reserve (Volunteer) Act, 1859, and commonly known as the Royal Naval Reserve, in addition to the men raised under that Act.

(2.) The reserves so raised under this Act shall consist of—

(a) The persons who are in receipt of pensions in respect of service in the navy or the marines, and who—

(i) having enlisted in the navy or marines after the passing of this Act, are entitled to their pensions subject to a condition of service in this division of the Reserve; or

(ii) having enlisted in the navy or marines before the passing of this Act, have enlisted in this division of the Reserve; and

(b) Persons, not exceeding fifteen thousand in number, who have served in the navy or the marines, but are not in receipt of such pensions, and who have enlisted in this division of the Reserve; and

(c) The persons who are employed as artizans or otherwise in any of the naval or civil establishments under the Admiralty subject to a condition of service in the reserve.

(3.) Section two of the Royal Naval Reserve (Volunteer) Act, 1859 (relating to term of service), shall not apply to men raised under this Act, but their term of service shall be regulated, in the case of pensioners entitled to their pensions subject to a condition of service in this division of the Reserve, by the conditions attached to the pension, and in other cases by the terms of the enlistment or the employment, as the case may be.

(4.) Subject as aforesaid, the Royal Naval Reserve (Volunteer) Act, 1859, shall apply to men raised under this Act in like manner as it applies to men raised under that Act, with the substitution, in the case of marines, of the words "non-commissioned officers or men" for the words "petty officers or seamen in the Royal Navy,"