



Commissioners Clauses Act 1847

1847 CHAPTER 16 10 and 11 Vict

Mortgages

75 Form of mortgage.

Every mortgage or assignation in security of rates or other property authorized to be made under the provisions of this or the special Act shall be by deed duly stamped, in which the consideration shall be truly stated; and every such deed shall be under the common seal of the commissioners, if they be a body corporate, or, if they be not a body corporate, shall be executed by the commissioners, or any five of them, and may be according to the form in the schedule (B.) to this Act annexed or to the like effect; and the respective mortgagees or assignees in security shall be entitled one with another to their respective proportions of the rates and assessments or other property comprised in such mortgages or assignations respectively, according to the respective sums in such mortgages or assignations mentioned to be advanced by such mortgagees or assignees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of the priority of advancing such monies, or of the dates of any such mortgages or assignations respectively.

[^{F1}(2) This section shall apply to Scotland as if for the words “by deed” to “five of them” there were substituted the words—in a document—

- (a) which is duly stamped;
- (b) in which the consideration is truly stated; and
- (c) which is subscribed, if the commissioners—
 - (i) are a corporation, in accordance with [^{F2}section 7 of, and paragraph 5 of Schedule 2 to,] the Requirements of Writing (Scotland) Act 1995;
 - (ii) are not a corporation, in accordance with the said [^{F3}section 7][^{F3}Act] by the commissioners or any five of them,]

Textual Amendments

F1 S. 75(2) added (S.) (1.8.1995) by virtue of 1995 c.7, ss. 14(1), 15(2), **Sch. 4 para. 5** (with ss. 9(3)(5) (7), 13, 14(3))

Changes to legislation: There are currently no known outstanding effects for the Commissioners Clauses Act 1847, Section 75. (See end of Document for details)

- F2** Words in s. 75(2)(c)(i) repealed (S.) (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 5 para. 2(3)(a)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F3** Word in s. 75(2)(c)(ii) substituted (S.) (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 5 para. 2(3)(b)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

Modifications etc. (not altering text)

- C1** S. 75 incorporated (E.W.S) (18.6.2001) by S.I. 2001/2184, **art. 2**
S. 75 incorporated (E.W.S) (18.6.2001) by S.I. 2001/2185, **art. 2**
- C2** Ss. 69-83 incorporated (E.W.S.) (1.6.2009) by Berwick Upon Tweed Harbour Revision (Constitution) Order 2009 (S.I. 2009/1231), arts. 1(1), **2**
- C3** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by The Newlyn Pier and Harbour Revision (Constitution) Order 2010 (S.I. 2010/1462), arts. 1(1), **3**

Changes to legislation:

There are currently no known outstanding effects for the Commissioners Clauses Act 1847, Section 75.