



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART VIII

#### LIGHTHOUSES

**Modifications etc. (not altering text)**

**C1** Pt. VIII (ss. 193-223) amended (12.1.1998) by S.I. 1997/3016, art. 2

#### *Lighthouse authorities*

##### *General and local lighthouse authorities.*

- 193** (1) For the purposes of this Part—
- (a) the Trinity House, as respects England and Wales and the adjacent seas and islands,
  - (b) the Commissioners of Northern Lighthouses, as respects Scotland and the adjacent seas and islands, and
  - (c) the Commissioners of Irish Lights, as respects Northern Ireland and the adjacent seas and islands,
- are the general lighthouse authority.
- (2) For the purposes of this Part—
- (a) each [<sup>F1</sup>statutory harbour authority], as respects their area, and
  - (b) any other existing local lighthouse authority, as respects their area,
- are the local lighthouse authority.
- (3) Schedule 8 shall have effect as respects the Commissioners of Northern Lighthouses.
- (4) In this Part “area” means—
- (a) in relation to a general lighthouse authority specified in subsection (1)(a), (b) or (c) above, the area specified in that paragraph as the area of that authority;

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- (b) in relation to a [<sup>F2</sup>statutory harbour authority], the area or areas inside the limits within which the authority's statutory powers and duties as a harbour authority are exercisable; and
- (c) in relation to any other existing local lighthouse authority, the existing area over which their authority extends in relation to lighthouses, buoys and beacons;

and for the purposes of subsection (2)(b) above and paragraph (c) above “existing” means existing for the purposes of the 1894 Act immediately before the repeal of that Act by this Act.

- (5) Subject to paragraph 9(1) of Schedule 14, the Trinity House are also the general lighthouse authority as respects Gibraltar and, subject to sub-paragraph (2) of that paragraph, the Channel Islands; and the Commissioners of Northern Lights are also the general lighthouse authority as respects the Isle of Man, and the seas adjacent to those territories.

#### Textual Amendments

- F1** Words in s. 193(2)(a) substituted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 6(a)**; S.I. 1997/1539, art. 2, **Sch.**
- F2** Words in s. 193(4)(b) substituted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 6(b)**; S.I. 1997/1539, art. 2, **Sch.**

#### *Information to Secretary of State*

#### **194 Returns and information to Secretary of State.**

Every general lighthouse authority and their officers shall give to the Secretary of State all such returns, explanations or information in relation to the lighthouses, buoys or beacons within their area and their management as the Secretary of State requires.

#### *Functions of general lighthouse authorities*

#### **195 General function of management of lighthouses, etc.**

- (1) Subject to the following provisions of this Part and to the powers and rights of any local lighthouse authority, the general lighthouse authorities shall have the superintendence and management of all lighthouses, buoys and beacons within their respective areas.
- (2) Subject to the following provisions of this Part, the general lighthouse authorities shall continue to hold and maintain all property vested in them at the commencement of this Act in the same manner and for the same purposes as before.

#### **196 Joint discharge of functions.**

- (1) Two or more general lighthouse authorities may discharge any of their functions jointly, and for that purpose—
  - (a) those authorities may share any part of their respective establishments; and

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- (b) any of them may, in the area of another and on that other's behalf, execute any works or do any other thing which the authority have power to execute or do in their own area;

and any enactment relating to the functions in question or to the authorities by whom or the areas in which those functions are to be discharged shall be construed accordingly.

- (2) Any expenses incurred by any of the general lighthouse authorities in pursuance of this section shall be apportioned between that authority and the other authority or authorities concerned in such manner as may be agreed between them or (in default of agreement) determined by the Secretary of State.

### **197 General powers of general lighthouse authority.**

- (1) Subject to subsection (2) below, a general lighthouse authority shall, within their area, have power—
  - (a) to erect or place any lighthouse, with all requisite works, roads and appurtenances;
  - (b) to add to, alter, or remove any lighthouse;
  - (c) to erect or place any buoy or beacon, or alter or remove any buoy or beacon;
  - (d) to vary the character of any lighthouse or the mode of exhibiting lights therein.
- (2) A general lighthouse authority shall not in the area of a [<sup>F3</sup>statutory harbour authority]—
  - (a) erect or place any lighthouse, works, roads or appurtenances under subsection (1)(a) above, or
  - (b) erect or place any buoy or beacon under subsection (1)(c) above,except in pursuance of a direction given by the Secretary of State.
- (3) The Secretary of State may give such a direction to a general lighthouse authority if he considers it appropriate to do so in the interests of general navigation.
- (4) Where any improved light or beacon, or any siren or any description of fog signal has been added to an existing lighthouse, the light or beacon, siren or signal may, for the purposes of this Part, be treated as if it were a separate lighthouse.
- (5) A general lighthouse authority may acquire any land which may be necessary for—
  - (a) the exercise of their powers under subsection (1) above;
  - (b) the maintenance of their works; or
  - (c) the residence of the light keepers.
- (6) For the purposes of the acquisition of land by a general lighthouse authority under subsection (5) above the following provisions shall apply—
  - (a) if the land is in England and Wales, the provisions of Part I of the <sup>M1</sup>Compulsory Purchase Act 1965 (so far as applicable) except sections 4 to 8, 27 and 31;
  - (b) if the land is in Scotland, the provisions of the Lands Clauses Acts (so far as applicable) except sections 120 to 125, 127, 142 and 143 of the <sup>M2</sup>Lands Clauses Consolidation (Scotland) Act 1845;
  - (c) if the land is in Northern Ireland, the provisions of the Lands Clauses Acts (so far as applicable) except sections 16 to 20, 92 to 94, 123, 127 to 132, 150 and 151 of the <sup>M3</sup>Lands Clauses Consolidation Act 1845.

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- (7) A general lighthouse authority may sell [<sup>F4</sup>or lease] any land belonging to them.
- [<sup>F5F5</sup>(8) Where it appears to a general lighthouse authority that any asset of theirs which is held in connection with the discharge of their functions under section 195 has spare capacity, they may, with the consent of the Secretary of State, enter into an agreement for the purpose of exploiting that spare capacity.
- <sup>F5</sup>(9) For the purposes of subsection (8) above an asset has spare capacity if—
- (a) during any period there are times (or there is a time) when it is not needed in connection with the discharge of the general lighthouse authority's functions under section 195;
  - (b) there is any period when it is not being used to its full capacity in connection with the discharge of those functions; or
  - (c) it has ceased to be used in connection with the discharge of those functions but it is not for the time being expedient to realise the asset.
- <sup>F5</sup>(10) Any consent under subsection (8) above may be given—
- (a) unconditionally or subject to conditions; and
  - (b) in relation to a particular case or in relation to such description of cases as may be specified in the consent.
- <sup>F5</sup>(11) A general lighthouse authority shall send to the Secretary of State a copy of every agreement entered into by them by virtue of subsection (8) above.]

#### Textual Amendments

- F3** Words in s. 197(2) substituted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 7**; S.I. 1997/1539, art. 2, **Sch.**
- F4** Words in s. 197(7) inserted (17.7.1997) by 1997 c. 28, s. 19(1); S.I. 1997/1539, art. 2, **Sch.**
- F5** S. 197(8)-(11) inserted (17.7.1997) by 1997 c. 28, s. 19(2); S.I. 1997/1539, art. 2, **Sch.**

#### Marginal Citations

- M1** 1965 c. 56.
- M2** 1845 c. 18.
- M3** 1845 c. 19.

## 198 Inspection of local lighthouses.

- (1) It shall be the duty of the general lighthouse authority for any area, or of any person authorised by that authority for the purpose, to—
  - (a) inspect all lighthouses, buoys and beacons situated within their area but belonging to or under the management of any local lighthouse authority; and
  - (b) make such inquiries about them and their management as they think fit.
- (2) All officers and others having the care, or concerned in the management, of any such local lighthouses, buoys or beacons shall furnish all such information and explanations concerning them as the general lighthouse authority require.
- (3) All local lighthouse authorities and their officers shall give to the general lighthouse authority all such returns, explanations or information concerning the lighthouses, buoys and beacons under their management and the management of them as the general lighthouse authority may require.

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- (4) The general lighthouse authority shall—
- (a) communicate to each local lighthouse authority the results of their inspection of their lighthouses, buoys and beacons; and
  - (b) make to the Secretary of State general reports of the results of the inspection of local lighthouses, buoys and beacons.

## **199 Control of local lighthouse authorities.**

- (1) A general lighthouse authority may, within their area, with the consent of the Secretary of State, direct a local lighthouse authority to—
- (a) lay down buoys;
  - (b) remove or discontinue any lighthouse, buoy or beacon; or
  - (c) make any variation in the character of any lighthouse, buoy or beacon or in the mode of exhibiting lights in any lighthouse, buoy or beacon;
- but the authority shall not give a direction without first giving due notice of their intention to do so.
- (2) A local lighthouse authority shall not, without the consent of the general lighthouse authority,—
- (a) erect or place any lighthouse, buoy or beacon;
  - (b) remove or discontinue any lighthouse, buoy or beacon;
  - (c) vary the character of any lighthouse, buoy or beacon or the mode of exhibiting lights in any lighthouse, buoy or beacon.
- (3) A direction under subsection (1) above shall be given in writing; and it shall be the duty of a local lighthouse authority to whom such a direction is given to comply with it.
- (4) Nothing in this section shall apply to local buoys and beacons placed or erected for temporary purposes.

### *Inspections by Secretary of State*

## **200 Powers of inspection by Secretary of State.**

- (1) The Secretary of State may, on complaint that any lighthouse, buoy or beacon under the management of a general lighthouse authority, or any work connected with it, is—
- (a) inefficient,
  - (b) improperly managed, or
  - (c) unnecessary,
- authorise any persons appointed by him to inspect the lighthouse, buoy or beacon or any connected work.
- (2) A person so authorised may—
- (a) inspect the lighthouse, buoy or beacon; and
  - (b) make any inquiries which he thinks fit as to the lighthouse, buoy or beacon and its management.
- (3) All officers and others having the care, or concerned in the management, of any lighthouse, buoy or beacon in relation to which powers under this section are being

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exercised shall furnish any information and explanations in relation to it and its management which the person inspecting it requires.

*Powers of harbour authorities as local lighthouse authorities*

**201 Powers of harbour authorities.**

- (1) Every [<sup>F6</sup>statutory harbour authority] shall have power to carry out harbour operations to which subsection (2) below applies either within the authority’s area or on harbour land.
- (2) This subsection applies to harbour operations consisting of the marking or lighting of a harbour or any part of a harbour.
- (3) In this section “harbour land” and “harbour operations” have the same meanings as in the <sup>M4</sup>Harbours Act 1964 or, as respects Northern Ireland, as in the <sup>M5</sup>Harbours Act (Northern Ireland) 1970.

**Textual Amendments**

**F6** Words in s. 201(1) substituted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 8**; S.I. 1997/1539, art. 2, **Sch.**

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**Marginal Citations**

**M4** 1964 c. 40.  
**M5** 1970 c. 1 (N.I.)

*Transfers between general and local lighthouse authorities*

<sup>F7</sup>**202** .....

**Textual Amendments**

**F7** S. 202 repealed (17.7.1997) by 1997 c. 28, s. 29(1)(2), **Sch. 6 para. 9, Sch. 7 Pt. I**; S.I. 1997/1539, art. 2, **Sch.**

**203 Individual transfers of local lighthouses to harbour authorities.**

A general lighthouse authority may, at any time, with the consent of the Secretary of State, transfer to a [<sup>F8</sup>statutory harbour authority] any lighthouse, buoy or beacon held by the general lighthouse authority which—

- (a) is situated in the area of that harbour authority or on land adjacent to that area or any part of it; and
- (b) appears to the general lighthouse authority to be of benefit solely or mainly to ships within, or entering or leaving, that harbour authority’s area.

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#### Textual Amendments

- F8** Words in s. 203 substituted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 10**; S.I. 1997/1539, art. 2, **Sch.**

### **204 Surrender of local lighthouses.**

- (1) A local lighthouse authority may, if they think fit, surrender or sell any lighthouse, buoy or beacon held by them to the general lighthouse authority within whose area it is situated, and that general lighthouse may, with the consent of the Secretary of State, accept or purchase it.
- (2) The Secretary of State shall not give his consent for the purposes of subsection (1) above in any case where the local lighthouse authority concerned are a [<sup>F9</sup>statutory harbour authority] unless he considers that the maintenance of the lighthouse, buoy or beacon in question is in the interests of general navigation.

#### Textual Amendments

- F9** Words in s. 204(2) substituted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 11**; S.I. 1997/1539, art. 2, **Sch.**

### *General light dues*

### **205 Light dues leviable by general lighthouse authorities.**

- (1) This section applies to dues leviable by a general lighthouse authority in respect of lighthouses, buoys or beacons under their management (in this Part called “general light dues”).
- (2) A general lighthouse authority may demand, take and recover general light dues in accordance with this section and for that purpose appoint persons to collect them.
- (3) General light dues shall be levied only by reference to the voyages made by ships or by way of periodical payments.
- (4) General light dues shall be payable in respect of all ships whatever, except—
  - (a) ships belonging to Her Majesty, and
  - (b) ships exempted from payment in pursuance of subsection (5) below.
- (5) The Secretary of State may make regulations with respect to the amounts and the levying of general light dues (including the cases in which the dues are not to be levied) and the regulations may make different provision for different circumstances.
- (6) A copy of the regulations in force under subsection (5) above in respect of general light dues shall be kept at—
  - (a) the principal office of the general lighthouse authority, and
  - (b) the office of the appointed collector at every port where such dues are collected;and shall be open for inspection there during reasonable hours by any person without charge.

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- (7) Every person appointed by a general lighthouse authority to collect general light dues shall collect all such dues payable at the port at which he is so appointed or (as the case may be) such of those dues as he is appointed to collect, whether they are collected on account of that authority or on account of one of the other general lighthouse authorities.
- (8) Any person appointed by a general lighthouse authority to collect general light dues shall pay over to that authority, or as that authority directs, the whole of the general light dues received by him.
- (9) A general lighthouse authority receiving dues (whether themselves or from a collector) shall keep accounts of the dues and shall cause the dues to be remitted [<sup>F10</sup>to the Secretary of State or as he directs, and in such manner as he directs.].

#### Textual Amendments

**F10** Words in s. 205(9) substituted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 12**; S.I. 1997/1539, art. 2, **Sch.**

### 206 Information to determine light dues.

- (1) A general lighthouse authority may, for the purpose of determining whether any and, if so, what general light dues are payable in respect of any ship, require any relevant authority or any person who is liable to pay general light dues in respect of the ship, to furnish to the general lighthouse authority such information in that authority's or person's possession or control relating to the arrival or departure of the ship at or from any port within their area as they may reasonably require for that purpose.
- (2) A general lighthouse authority may require any relevant authority to furnish to them such information in the relevant authority's possession or control relating to the movements within the relevant authority's area of ships or ships of any class or description for the purpose of determining whether any and, if so, what general light dues are payable in respect of the ships.
- (3) The powers conferred on a general lighthouse authority by subsections (1) and (2) above shall also be available to the person appointed by them to collect dues at a port.
- (4) It shall be the duty of a relevant authority or person of whom a requirement for information is made under subsection (1), (2) or (3) above to furnish information as soon as is reasonably practicable.
- (5) In this section "relevant authority" means—
  - (a) a harbour authority;
  - (b) the Commissioners of Customs and Excise; and
  - (c) a conservancy authority.

### 207 Recovery of general light dues.

- (1) The following persons shall be liable to pay general light dues in respect of any ship in respect of which such dues are payable, namely—
  - (a) the owner or master; or



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- (b) such consignees or agents of the owner or master as have paid, or made themselves liable to pay, any other charge on account of the ship in the port of her arrival or discharge.
- (2) General light dues so payable in respect of any ship may, in England and Wales and Northern Ireland, be recovered summarily as a civil debt.
- (3) In Scotland general light dues shall, for the purposes of their recovery, be regarded as a debt due to the general lighthouse authority.
- (4) Any consignee or agent (not being the owner or master of the ship) who is, by this section, made liable for the payment of general light dues in respect of any ship may, out of any money received by him on account of the ship or belonging to its owner, retain the amount of all general light dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay them.

#### **208 Distress on ship for general light dues.**

- (1) If the owner or master of any ship fails, on demand of the appointed collector, to pay the general light dues due in respect of the ship, the collector may enter the ship and distrain the goods or any equipment or other thing belonging to, or on board, the ship and detain that distress until those dues are paid.
- (2) If payment of the dues so demanded is not made within the period of five days following the distress, the collector may, at any time during the continuance of the non-payment, cause the distress to be independently appraised and thereupon sold by public auction.
- (3) The collector shall apply the proceeds of the sale in payment of—
  - (a) the general light dues due; and
  - (b) all reasonable expenses incurred by him under this section;and shall pay the surplus (if any), on demand, to the owner or master of the ship.
- (4) The remedy conferred by this section is in addition to any other remedy available to the collector or the general lighthouse authority by whom he was appointed.
- (5) This section does not apply to Scotland.

#### **209 Receipt for general light dues and its production.**

- (1) A receipt for general light dues shall be given to the person paying them by the authority or person receiving them from him.
- (2) A ship may be detained at any port until the receipt for any general light dues due in respect of the ship is produced to the proper officer of customs and excise or the person appointed to collect general light dues at the port.

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### *Local light dues*

#### **210 Light dues leviable by local lighthouse authorities.**

- (1) This section applies to charges leviable by a local lighthouse authority who are not a <sup>F11</sup>statutory harbour authority] in respect of lighthouses, buoys or beacons over which they have authority (in this section referred to as “local light dues”).
- (2) A local lighthouse authority (who are not a <sup>F11</sup>statutory harbour authority]) may demand, take and recover in respect of every ship which—
  - (a) enters or leaves the port, harbour or estuary in which is situated any lighthouse, buoy or beacon over which they have authority; and
  - (b) passes the lighthouse, buoy or beacon and derives benefit from it,
 such charges as they think fit.
- (3) The same persons shall be liable to pay local light dues as are liable to pay general light dues under section 207.
- (4) Local light dues may be recovered in the same manner as general light dues may be recovered under sections 207 and 208.
- (5) A list showing the local light dues leviable by a local lighthouse authority shall be kept at the authority’s office and shall be open there during reasonable hours for inspection by any person without charge, and copies of the list shall be kept for sale there at such reasonable price (if any) as the authority determine.
- (6) No local light due shall be levied by a local lighthouse authority if, at the time at which it is leviable,—
  - (a) the authority are in default in compliance with subsection (5) above as respects the keeping of the list of dues; or
  - (b) the light due is not shown in the list kept there at that time.
- (7) A copy of the list kept by a local lighthouse authority in pursuance of subsection (5) above shall be supplied by them to the Secretary of State without charge.
- (8) Section 31 of the <sup>M6</sup>Harbours Act 1964 (right of objection to ship, passenger and goods dues) shall apply in relation to local light dues subject, however, to the modifications specified in Schedule 10 to this Act.
- (9) All local light dues shall be applied by the authority by whom they are levied for the purpose of the construction, placing, maintenance and improvement of the lighthouses, buoys or beacons in respect of which the dues are levied, and for no other purpose.
- (10) The local lighthouse authority to whom any local light dues are paid shall keep a separate account of the receipt and expenditure of those dues.
- (11) This section does not apply to Northern Ireland.

#### **Textual Amendments**

**F11** Words in s. 210(1)(2) substituted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 13**; S.I. 1997/1539, art. 2, **Sch.**

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**Modifications etc. (not altering text)**

**C2** S. 210 applied (on and from the appointed day) by 2001 c. ii, s. 5(2)(b)

**Marginal Citations**

**M6** 1964 c. 40.

*Financial and administrative provisions*

**211 General Lighthouse Fund: expenses and receipts.**

- (1) There shall continue to be a fund called the General Lighthouse Fund administered by the Secretary of State.
- (2) The following shall be paid out of that Fund—
  - (a) any expenses incurred by general lighthouse authorities in connection with the discharge of their functions under this Part and, in the case of the Commissioners of Irish Lights as respects their functions in the Republic of Ireland, under the corresponding Part of the 1894 Act, subject, however, to section 213;
  - (b) any expenses (whether of a capital nature or not) incurred by the Secretary of State in pursuance of any international agreement relating to the provision of an electronic position-fixing system intended as an aid to the navigation of ships or incurred by him preliminary to his entering into such an agreement;
  - (c) such sums as the Secretary of State may determine as sums appearing to him to represent the amount or estimated amount of any expenses incurred or likely to be incurred by him in connection with the administration of the Fund;
  - (d) any expenses incurred by the Secretary of State in maintaining the Sombrero lighthouse in the Leeward Islands;
  - (e) any other sums made payable out of the Fund by any other provision of this Part or Part IX.
- (3) The following shall be paid into that Fund—
  - (a) all general light dues and other sums received by or accruing to any of the general lighthouse authorities by virtue of, or in connection with the discharge of their functions under, this Part and, in the case of the Commissioners of Irish Lights as respects their functions in the Republic of Ireland, under the corresponding Part of the 1894 Act;
  - (b) any sums received by the Secretary of State in pursuance of any such agreement as is mentioned in subsection (2)(b) above in respect of—
    - (i) expenses incurred by him in pursuance of the agreement, or
    - (ii) expenses incurred by any of the general lighthouse authorities which, by virtue of subsection (2) above, are payable out of the Fund;
  - (c) any other sums made payable into the Fund by any other provision of this Part or Part IX.
- (4) The accounts of the Fund for each year shall be examined by the Comptroller and Auditor General who shall send a copy of the accounts certified by him to the Secretary of State.
- (5) The Secretary of State shall lay copies of the accounts before each House of Parliament.

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## **212 Establishments of general lighthouse authorities.**

- (1) The Secretary of State may determine—
  - (a) the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses, buoys and beacons;
  - (b) the annual or other sums to be paid out of the General Lighthouse Fund in respect of those establishments or to members of the general lighthouse authority for England and Wales.
- (2) If it appears that any part of the establishments of the general lighthouse authorities is maintained for other purposes as well as for the purposes of their duties as general lighthouse authorities, the Secretary of State may determine the portion of the expenses of those establishments to be paid out of the General Lighthouse Fund.
- (3) An increase in any establishment or part of an establishment determined under this section shall not be made without the consent of the Secretary of State.

## **213 Estimates or accounts of expenses to Secretary of State.**

- (1) An expense of a general lighthouse authority in respect of the services of lighthouses, buoys and beacons shall not be paid out of the General Lighthouse Fund, or allowed in account, unless—
  - (a) it has been allowed as part of the establishment expenses under section 212; or
  - (b) an estimate or account of it has been approved by the Secretary of State.
- (2) For the purpose of approval by the Secretary of State, each of the general lighthouse authorities shall, except as provided by subsection (3) below, submit to him an estimate of all expenses to be incurred by them in respect of lighthouses, buoys and beacons, other than expenses allowed under section 212 on account of their establishments.
- (3) In a case where it is necessary for a general lighthouse authority, in providing for any sudden emergency, to incur any such expense as is mentioned in subsection (2) above without waiting for the approval of the Secretary of State under that subsection, the authority shall as soon as possible submit to him a full account of the expense incurred.
- (4) The Secretary of State shall consider any estimates and accounts submitted to him under this section and may approve them either with or without modification.

## **214 Pension rights of certain employees.**

There shall be payable to or in respect of persons whose salaries are paid out of the General Lighthouse Fund such pensions, allowances and gratuities as may be determined in accordance with—

- (a) in the case of such of those persons as are employed by the Secretary of State, arrangements made by him, and
- (b) in the case of other such persons, arrangements made by a general lighthouse authority and approved by the Secretary of State;

and those benefits shall be charged on and payable out of that Fund.

## **215 Borrowing powers of general lighthouse authorities.**

- (1) A general lighthouse authority may, with the consent of the Secretary of State and the Treasury, borrow money for the purpose of defraying any expenses incurred or to be

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incurred by the authority in connection with the discharge of their functions under this Part or Part IX.

- (2) A general lighthouse authority may, in connection with any advance to them under this section, mortgage any land or other property belonging to them.
- (3) Any sums payable by a general lighthouse authority under the terms of an advance under this section by way of principal, interest or otherwise shall be paid out of the General Lighthouse Fund.

#### **216 Limit on borrowings under section 215.**

- (1) The aggregate amount outstanding in respect of the principal of any sums borrowed under section 215 shall not at any time exceed £100 million.
- (2) The Secretary of State may, by order, with the approval of the Treasury, increase or further increase that limit, but not by more than £33 million at a time.
- (3) An order shall not be made under subsection (2) above unless a draft of the order has been laid before and approved by a resolution of the House of Commons.

#### **217 Guarantees by Secretary of State.**

- (1) The Secretary of State with the consent of the Treasury may guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal of, the payment of interest on, and the discharge of any other financial obligation in connection with, any sums borrowed by a general lighthouse authority under section 215.
- (2) Immediately after a guarantee is given under this section, the Secretary of State shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling a guarantee so given the Secretary of State shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Secretary of State for fulfilling any guarantee under this section shall be paid out of money provided by Parliament.
- (4) If any sums are issued in fulfilment of any guarantee given under this section there shall be made to the Secretary of State out of the General Lighthouse Fund, at such times and in such manner as the Secretary of State may determine with the consent of the Treasury, payments of such amounts as the Secretary of State may so determine in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Secretary of State may so determine.
- (5) The Secretary of State, with the consent of the Treasury, may vary or revoke any determination made by him under subsection (4) above.
- (6) Any sums received by the Secretary of State under subsection (4) above shall be paid into the Consolidated Fund.

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## **218 Accounts of general lighthouse authorities.**

- (1) Each of the general lighthouse authorities shall account to the Secretary of State for the general light dues and other sums received by or accruing to them by virtue of, or in connection with, the discharge of their functions under this Part or Part IX and for their expenditure in respect of expenses paid out of the General Lighthouse Fund in such form, at such times, and with such details, explanations and vouchers as the Secretary of State requires.
- (2) Each of the general lighthouse authorities shall, when required by the Secretary of State, permit all accounting records kept by or under their respective direction to be inspected and examined by such persons as the Secretary of State appoints for the purpose.

*Offences in connection with lighthouses, buoys, beacons, etc.*

## **219 Damage etc. to lighthouses etc.**

- (1) A person who, without lawful authority—
  - (a) intentionally or recklessly damages—
    - (i) any lighthouse or the lights exhibited in it, or
    - (ii) any lightship, buoy or beacon;
  - (b) removes, casts adrift or sinks any lightship, buoy or beacon; or
  - (c) conceals or obscures any lighthouse, buoy or beacon;commits an offence.
- (2) A person who, without reasonable excuse,—
  - (a) rides by,
  - (b) makes fast to, or
  - (c) runs foul of,any lightship, buoy or beacon commits an offence.
- (3) A person who is guilty of an offence under this section shall, in addition to being liable for the expenses of making good any damage so occasioned, be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

## **220 Prevention of false lights.**

- (1) Whenever any light is exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the general lighthouse authority within whose area the place is situated, may serve a notice (“a prevention notice”) upon the owner of the place where the light is exhibited or upon the person having the charge of the light.
- (2) A prevention notice is a notice directing the person to whom it is addressed to take, within a reasonable time specified in the notice, effectual means for extinguishing or effectually screening the light and for preventing for the future any similar light.
- (3) A prevention notice may, in addition to any other mode of service authorised by this Act, be served by affixing the notice in some conspicuous spot near to the light to which it relates.

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- (4) If a person on whom a prevention notice is served fails, without reasonable excuse, to comply with the directions contained in the notice, he shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (5) If a person on whom a prevention notice is served neglects for a period of seven days to extinguish or effectually screen the light mentioned in the notice, the general lighthouse authority may enter the place where the light is and forthwith extinguish it, doing no unnecessary damage.
- (6) Where a general lighthouse authority incur any expenses in exercising their powers under subsection (5) above they may recover the expenses from the person on whom the prevention notice was served.
- (7) Any such expenses may, in England and Wales and Northern Ireland, be recovered summarily as a civil debt.
- (8) In Scotland any such expenses shall, for the purposes of their recovery, be regarded as a debt due by the person on whom the notice has been served to the general lighthouse authority.

*Exemptions from taxes, duties, etc*

**221 Exemption from taxes, duties, rates etc.**

- (1) The following, that is to say—
  - (a) all lighthouses, buoys and beacons,
  - (b) all general light dues and other rates, fees or payments accruing to or forming part of the General Lighthouse Fund, and
  - (c) all premises or property belonging to or occupied by any of the general lighthouse authorities,which are used or applied for the purposes of any of the services for which those dues, rates, fees and payments are received shall be exempt from all public or local taxes, duties or rates.
- (2) All instruments used by or under the direction of any general lighthouse authority in carrying on those services shall be exempt from stamp duty.
- (3) Stamp duty shall not be chargeable on any proposals under Schedule 9.
- (4) All instruments used by or under the direction of the Secretary of State in carrying this Part into effect shall be exempt from stamp duty.
- (5) All instruments which are required by any provision of this Part to be in a form approved by the Secretary of State, if made in that form, shall be exempt from stamp duty.

**222 Exemption from harbour dues.**

All ships belonging to or used by any of the general lighthouse authorities or the Secretary of State shall be entitled to enter, resort to, and use any harbours, ports, docks or piers in the United Kingdom without any payment of tolls, dues or rates of any kind.

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## [<sup>F12</sup>222A Disclosure of information to general lighthouse authorities.

- (1) No obligation as to secrecy or other restriction on the disclosure of information (whether imposed by statute or otherwise) shall prevent a Minister of the Crown or a Northern Ireland department from disclosing—
- (a) to a general lighthouse authority, or
  - (b) to a person appointed by a general lighthouse authority to collect general light dues,
- information for the purpose of enabling or assisting the authority to discharge their functions under this Part.
- (2) Information obtained by any person by virtue of subsection (1) above shall not be disclosed by him to any other person except where the disclosure is made—
- (a) to a general lighthouse authority or a person appointed by such an authority to collect general light dues; or
  - (b) for the purposes of any legal proceedings arising out of this Part.]

### Textual Amendments

**F12** S. 222A inserted (17.7.1997) by 1997 c. 28, s. 20; S.I. 1997/1539, art. 2, Sch.

### *Supplemental*

## 223 Interpretation, etc.

- (1) In this Part—
- “buoys and beacons” includes all other marks and signs of the sea;
- “the Commissioners of Irish Lights” means the body incorporated by that name under the local Act of the session held in the 30th and 31st years of the reign of Queen Victoria intituled “An Act to alter the constitution of the Corporation for preserving and improving the port of Dublin and for other purposes connected with that body and with the Port of Dublin Corporation”;
- “general light dues” has the meaning given in section 205(1);
- “lighthouse” includes any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals, and also any addition to a lighthouse of any improved light, or any siren, or any description of fog signal;
- “the Trinity House” means the master, wardens and assistants of the guild, fraternity or brotherhood of the most glorious and undivided Trinity and of St Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond;
- “the 1894 Act” means the Merchant Shipping Act 1894.
- (2) Any reference in this Part to a lighthouse, buoy or beacon includes its appurtenances.
- (3) The Secretary of State may by order provide that references or a particular reference to a buoy or beacon in this Part shall be construed as including, in such circumstances as are specified in the order, equipment of a kind so specified which is intended as an aid in the navigation of ships.



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- (4) No order shall be made under subsection (3) above unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

**Status:**

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