

Status: Point in time view as at 18/03/1991.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1988 (repealed), Merchant Shipping Law Amendment Act 1894 (c. 60). (See end of Document for details)

SCHEDULES

SCHEDULE 5

MISCELLANEOUS AMENDMENTS OF MERCHANT SHIPPING ACTS

MERCHANT SHIPPING LAW AMENDMENT ACT 1894 (C. 60)

- 1 Omit section 463 (survey of ship alleged to be unseaworthy in proceedings for desertion of seaman).
- 2 In section 531 (power of lighthouse authority to remove wreck), for subsection (2) substitute—
 - “(2) Where a general lighthouse authority have incurred expenses in the exercise of their powers under this section in relation to any vessel, then—
 - (a) if the proceeds of any sale made under section 530 of this Act in connection with the exercise of those powers in relation to the vessel are insufficient to reimburse the authority for the full amount of those expenses, the authority may recover the amount of the deficiency from the relevant person, or
 - (b) if there is no such sale, the authority may recover the full amount of those expenses from the relevant person.
 - (3) Any expenses so incurred which are not recovered by the authority either out of the proceeds of any such sale or in accordance with subsection (2) of this section shall be paid out of the General Lighthouse Fund, but section 660 of this Act shall apply to those expenses as if they were expenses of the authority falling within subsection (1) of that section other than establishment expenses.
 - (4) In this section “the relevant person”, in relation to any vessel, means the owner of the vessel at the time of the sinking, stranding or abandonment of the vessel.”
- 3 At the end of section 546 (salvage of cargo or wreck) add—
 - “(2) In this section “tidal water” means—
 - (a) any waters within the ebb and flow of the tide at ordinary spring tides; or
 - (b) the waters of any dock which is directly, or (by means of one or more other docks) indirectly, connected with any such waters.”;

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and the existing provisions of section 546 shall accordingly constitute subsection (1) of that section.

- 4 In section 634(1)(a) (management of lighthouses etc.), omit “and at Gibraltar”.
- 5 In section 648 (application and collection of light dues)—
- (a) omit subsection (1); and
 - (b) in subsection (2), after “so appointed” insert “or (as the case may be) such of those dues as he is so appointed to collect”.
- 6 In section 652(4) (inspection of local lighthouses), omit the words from “; and those reports” onwards.
- 7 For section 658 substitute—

“658 Expenses of general lighthouse authorities to be paid out of General Lighthouse Fund.

Any expenses incurred by the general lighthouse authorities in connection with the discharge of their functions under this Part of this Act shall be paid out of the General Lighthouse Fund.”

- 8 In section 659 (establishments of general lighthouse authorities)—
- (a) in subsection (1), for “Her Majesty may by Order in Council fix” substitute “the Secretary of State may determine”;
 - (b) in subsection (2), for “Her Majesty may by Order in Council fix” substitute “the Secretary of State may determine”; and
 - (c) in subsection (3), for “fixed” substitute “determined”.
- 9 In section 676 (sums payable to Mercantile Marine Fund)—
- (a) in subsection (1)—
 - (i) for the words from the beginning to “that fund—” substitute “The following sums (being sums which, in accordance with this subsection as originally enacted, were required to be paid to the former Mercantile Marine Fund) shall be paid into the Consolidated Fund—”,
 - (ii) omit paragraph (i), and
 - (iii) for paragraph (1) substitute—
 - “(1) any other sums which are by virtue of any enactment (as it has effect in accordance with subsection (1A) of this section) required to be paid into the Consolidated Fund in accordance with this section.”; and
 - (b) after subsection (1) insert—

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“(1A) References (however phrased) in any enactment not contained in this section to the payment of sums into, or to the carrying of sums to the account of, the Mercantile Marine Fund shall be construed as references to the payment of sums into, or to the carrying of sums to the account of, the Consolidated Fund in accordance with this section, and connected phrases shall be construed accordingly.”

- 10 In section 677 (application of Mercantile Marine Fund)—
- (a) for the words from the beginning to “the following expenses” substitute “The following expenses and other amounts (being expenses and amounts which, in accordance with this section as originally enacted, were payable out of the former Mercantile Marine Fund) shall be payable out of money provided by Parliament”;
 - (b) omit paragraph (i);
 - (c) for paragraph (o) substitute—
 - “(o) any other amounts which are by virtue of any enactment (as it has effect in accordance with subsection (2) of this section) payable out of money provided by Parliament in accordance with this section.”; and
 - (d) at the end add—
 - “(2) References (however phrased) in any enactment not contained in this section or in Part XI of this Act to the charging of amounts on, or to the payment of amounts out of, the Mercantile Marine Fund shall be construed as references to the payment of amounts out of money provided by Parliament in accordance with this section, and connected phrases shall be construed accordingly.”;
- and accordingly the existing provisions of section 677, as amended by subparagraphs (a) to (c) above, shall constitute subsection (1) of that section.
- 11 In section 731 (exemption from rates)—
- (a) for “Mercantile Marine Fund” substitute “General Lighthouse Fund”; and
 - (b) omit “or by the Board of Trade” and “or of the Board of Trade”.
- 12 Omit section 744 (application of Act to vessels fishing for whales, etc.).

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