

1990 No. 364

MERCHANT SHIPPING

The Merchant Shipping (Light Dues) Regulations 1990

<i>Made - - - -</i>	<i>26th February 1990</i>
<i>Laid before Parliament</i>	<i>7th March 1990</i>
<i>Coming into force</i>	<i>1st April 1990</i>

The Secretary of State for Transport, in exercise of powers conferred on him by section 5(2) of the Merchant Shipping (Mercantile Marine Fund) Act 1898(a) (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Regulations:-

1. These Regulations may be cited as the Merchant Shipping (Light Dues) Regulations 1990 and shall come into force on 1st April 1990.
2. The Merchant Shipping (Light Dues) Regulations 1989(b) are hereby revoked.
- 3.—(1) The amounts of light dues which shall be levied under section 5(1) of the Act shall be those set out in the scale of payments in Part I of the Schedule hereto.
(2) Light dues shall be levied in accordance with the rules set out in Part II of the said Schedule.
(3) Light dues shall not be levied in the cases listed in Part III of the said Schedule.

Signed by authority of
the Secretary of State for Transport
26th February 1990

Patrick McLoughlin
Parliamentary Under
Secretary of State,
Department of Transport

(a) 1898 c. 44; section 5(2) was substituted by the Merchant Shipping Act 1979 (c. 39), section 36(2).
(b) S.I. 1989/305.

SCHEDULE

PART I

SCALE OF PAYMENTS

Payments per voyage

1.—(1) Subject to a minimum charge of £50 per voyage and to paragraph 1(2) below, there shall be the following charges per voyage:

- (a) Ships, other than Ro/Ro ferries,
not liable to periodical payments: 30 pence per ton
- (b) Ro/Ro ferries: (a) 30 pence per ton on the first 1000 tons, plus
(b) 60 pence per ton on any excess over 1000 tons.

(2) A ship liable to make payments on account of light dues under this paragraph shall not be required to pay dues in respect of more than two voyages in any one month. In the year commencing 1 April 1990 such a ship shall also not be required to pay dues on more than 6 voyages in total, and in any subsequent year the said yearly limit shall be 7 voyages.

(3) A voyage of a ship shall be reckoned from port to port, and a voyage which begins and ends at the same port without a call being made at any other port shall count as a single voyage.

Periodical payments

2. In place of payments per voyage, there shall be the following periodical payments for the classes of ships mentioned below:

Tugs and registered fishing vessels

(1) Either

- (a) an annual payment per ship of £180 plus a payment of £18 for each metre of length in excess of 10 metres; or
- (b) two equal payments per ship of £100 plus a payment of £10 for each metre in length in excess of 10 metres in respect of each of the six month periods commencing respectively on 1st April and 1st October.

(2) The annual payment for a new or newly registered tug or fishing vessel shall be one twelfth of the appropriate annual rate in paragraph 2(1)(a) of the scale for each month, or part of a month, of the year during which it is so registered, after the date of its first or new registration, subject to a minimum payment of £50.

(3) Where a tug or a fishing vessel (other than one covered by paragraph 2(2)) is not registered for a continuous period of more than three months the annual payment shall be one twelfth of the appropriate annual rate in paragraph 2(1)(a) of the scale for each month, or part of a month, of the year during which it is so registered, subject to a minimum payment of £50.

Pleasure craft

(4) An annual payment of £60, except that in the case of a pleasure craft which the general lighthouse authority is satisfied is ordinarily kept or used outside any area for which any general lighthouse authority has responsibility under Part XI of the Merchant Shipping Act 1894(a), the payment shall be £20 for each period of 30 days in respect of any visit, subject to the total payment in any year for such visit or visits not exceeding the annual payment; any period of such a visit comprising less than 30 days is to count as a 30 day period in such a visit.

(5) A new or newly registered pleasure craft shall pay £20 for each month or part of a month of the light dues year remaining, subject to such payment not exceeding the annual payment.

(a) 1894 c. 60.

PART II

RULES

1. Dues payable under paragraph 1 of the scale and the payments referred to in Rule 4 shall be tendered at the port where the liability arises except as the general lighthouse authority otherwise allows.

2. (a) The payments under paragraph 2 of the scale (other than those referred to in paragraph 2(1)(b) of the scale and in Rule 4) shall be payable within twenty-eight days after service of an invoice for the amount of the payment by a general lighthouse authority or its authorised collector.

(b) A general lighthouse authority or its authorised collector may serve the invoice by post, and the said invoice shall be treated as duly served if served on any one of the registered owners appearing in the register at the commencement of the period to which the invoice relates or on a consignee or agent within the meaning of section 649 of the Merchant Shipping Act 1894. For the purposes of section 7 of the Interpretation Act 1978(a) (service of documents by post) an invoice shall be deemed to be properly addressed to a registered owner if it is addressed to him at the address for the time being recorded in relation to him in the register.

3. In issuing an invoice in respect of a tug or a fishing vessel a general lighthouse authority or its authorised collector shall inform the recipient of his right to elect to make payment by means of two equal payments under paragraph 2(1)(b) of the scale. Where the recipient makes a payment of the appropriate amount under the said sub-paragraph (b) within 28 days of the service of the invoice that sub-paragraph shall apply; otherwise he shall be liable to pay in accordance with Rule 2. If the recipient makes such a payment in respect of the period from 1st April in accordance with the said sub-paragraph (b) the remaining payment shall be payable within 28 days of 1st October.

4. (a) Any payment in respect of a visit as is referred to in paragraph 2(4) of the scale shall be payable at the commencement of the period in respect of which it is due.

(b) Any payment under paragraph 2(1)(a) or (b) of the scale in respect of a tug or fishing vessel which a general lighthouse authority is satisfied is ordinarily registered and kept outside the United Kingdom shall be payable at the commencement of the first visit in the period to which it relates by the ship to a port in the United Kingdom.

5. For the purposes of this Schedule –

(a) a ship's tonnage shall be its net or register tonnage (as the case may be) entered in its certificate of tonnage issued by or on behalf of the administration of the State of Registry; or in the case of an unregistered ship or a ship measured only by length the tonnage reckoned in accordance with the Thames Measurement adopted by Lloyds Register;

(b) a year shall be reckoned from 1st April; a month means a calendar month;

(c) in calculating any payment of light dues where the ship's tonnage is not a multiple of one ton any excess not exceeding half a ton shall be rounded down and any excess over half a ton shall be rounded up to the nearest ton;

(d) "length" in relation to a fishing vessel or a tug means the registered length shown in the ship's certificate of registry and in relation to such a ship having no registered length, means the length which would be the registered length if the ship were registered under Part I of the Merchant Shipping Act 1894 or Part II of the Merchant Shipping Act 1988(b), provided that in calculating any payment of light dues where a fishing vessel's or a tug's length is not a multiple of one metre, any excess not exceeding half a metre shall be rounded down and any excess over half a metre shall be rounded up to the nearest such metre except in the case of a ship with a length of less than 10 metres;

(e) "registered fishing vessel" means any fishing vessel registered under Part II of the Merchant Shipping Act 1988 or registered as a fishing vessel under the law of some other country;

(f) "Ro/Ro ferry" means a ship –

(i) provided with cargo or road or rail vehicle spaces extending to either a substantial length or the entire length of the ship in which vehicles or cargo can be loaded or unloaded normally in a horizontal direction; and

(ii) which operates on regular advertised services available to accompanied motor vehicles or unaccompanied trailers on payment of an advertised fare or similar tariff charge.

(a) 1978 c. 30. (b) 1988 c. 12.

- (g) "pleasure craft" includes a pleasure yacht and means a vessel used for sport or private recreation and not engaged in any revenue earning or commercial activity or service.

6. Any ship (including a pleasure craft) subject to a periodical charge which is declared a total loss during a period for which it has paid or is liable to pay light dues, shall be deemed not to be liable to such dues from the last day of the month in which the said loss occurs; and such liability shall be reassessed on the proportion of the period prior to that date in accordance with paragraph 2(3) of the scale.

PART III

EXEMPTIONS

There shall be exempted from dues under this Schedule:-

- (1) Ships belonging to Her Majesty or to a foreign Government unless carrying cargo or passengers for freight or fares;
- (2) Ships of less than 20 tons, other than ships liable to pay dues by reference to their length;
- (3) Sailing ships used exclusively for sail training purposes;
- (4) Tugs and fishing vessels of less than 10 metres in length;
- (5) Ships (other than those subject to periodical payments) when navigating wholly and bona fide in ballast and not engaged in any other revenue earning, commercial, or passenger carrying activity or service;
- (6) Ships putting in solely for bunkers, stores, or provisions for their own use on board;
- (7) Ships putting in from stress of weather or because of damage or on voyages solely for the purpose of repairing, provided they do not discharge or load cargo other than cargo discharged with a view to such repairs, and afterwards reshipped;
- (8) Ships navigating solely and entirely within the limits of a harbour authority unless such limits include a lighthouse, buoy or visible beacon maintained by a general lighthouse authority at the expense of the General Lighthouse Fund;
- (9) Any ship (including a pleasure craft) in respect of any year ending 31 March during the whole of which it is laid up; and in the case of any such ship which has opted to pay in two payments as provided for in paragraph 2(1)(b) of the scale, this exemption shall apply in respect of any period covered by such option, during the whole of which it is laid up.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Merchant Shipping (Light Dues) Regulations 1989. They make a number of changes:

- (a) The scale payments per voyage are reduced by about 2% and, in 1990/91 only, the maximum number of liable voyages is reduced from seven to six at an estimated cost of around 11% of revenue.
- (b) The distinction between home-trade and foreign-going ships for determining the meaning of "voyage" is ended; and all ships are now not to be required to pay dues on more than two voyages a month (formerly applied to home-trade ships only).
- (c) The half-rate scale for sailing ships is increased to the full rate, and an exemption is introduced for sail training ships.
- (d) Tugs are to be made liable by reference to their length on the same scale as fishing vessels.
- (e) The ballast exemption is revised to bring into charge ships which are technically in ballast but are otherwise engaged in other commercial activities.
- (f) The exemptions for dredgers, hoppers, visiting racing yachts and sailing ships between 20 tons and 100 tons are ended.
- (g) The minimum charge per voyage is increased to £50, and a similar minimum charge is introduced for fishing vessels and tugs where the periodical payment is calculated on a monthly basis. For liable pleasure craft flat rate charges of £60 a year and £20 for a 30 day visit replace the former tonnage-based charges.

The combined effect of these changes is to reduce light dues revenue overall by about 12%.