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STATUTORY INSTRUMENTS

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**1997 No. 562**

**MERCHANT SHIPPING**

**The Merchant Shipping (Light Dues) Regulations 1997**

<i>Made</i>	- - - -	<i>4th March 1997</i>
<i>Laid before Parliament</i>		<i>6th March 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

The Secretary of State for Transport, in exercise of the powers conferred on him by section 205(5) of the Merchant Shipping Act 1995(1) 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 1997 and shall come into force on 1st April 1997.
2. The instruments specified in column 1 in Schedule 1 to these Regulations are hereby revoked.
- 3.—(1) The amounts of general light dues which may be levied under section 205(2) of the Merchant Shipping Act 1995 shall be those set out in the scale of payments in Part II of Schedule 2 to these Regulations.  
(2) Light dues shall be levied in accordance with the rules set out in Part III of the said Schedule 2.  
(3) Light dues shall not be levied in the case of vessels of the descriptions listed in Part IV of the said Schedule 2.

Signed by authority of the Secretary of State for Transport

4th March 1997

*Goschen*  
Parliamentary Under-Secretary of State,  
Department of Transport

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## SCHEDULE 1

Regulation 2

(1) <i>Regulations revoked</i>	(2) <i>References</i>
The Merchant Shipping (Light Dues) Regulations 1990	S.I.1990/364
The Merchant Shipping (Light Dues) (Amendment) Regulations 1991	S.I. 1991/487
The Merchant Shipping (Light Dues) (Amendment) (No. 2) Regulations 1991	S.I. 1991/1797
The Merchant Shipping (Light Dues) (Amendment) Regulations 1992	S.I. 1992/472
The Merchant Shipping (Light Dues) (Amendment) Regulations 1993	S.I. 1993/475
The Merchant Shipping (Light Dues) (Amendment) Regulations 1995	S.I. 1995/525

## SCHEDULE 2

Regulation 3

## PART I

**Interpretation****1.** For the purposes of this Schedule—

- (a) a ship's tonnage shall be its net tonnage assessed in accordance with the International Convention on Tonnage Measurement of Ships 1969 and entered on its International Tonnage Certificate (1969) or, if this certificate is not available for any reason, the ship's gross registered tonnage 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; in paragraph 3(2) of the scale "month" means a month commencing with the relevant date;
- (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 and where the dues payable are not a multiple of a penny the excess shall be rounded down to the nearest penny;
- (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 II of the Merchant Shipping Act 1995, 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;

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- (e) “fishing vessel” means any fishing vessel registered under Part II of the Merchant Shipping Act 1995 or registered as a fishing vessel under the law of some other country;
- (f) “pleasure vessel” means—
  - (a) any vessel which at the time it is being used is—
    - (i) (a) in the case of a vessel wholly owned by an individual, or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
    - (b) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons are employees or officers of the body corporate, or their immediate family or friends; and
  - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family or friends; and
- (c) in the case of any vessel referred to in paragraphs (a) or (b) above no other payments are made by or on behalf of users of the vessel, other than by the owner.

In this definition “immediate family” means in relation to an individual, the husband or wife of the individual, and a relative of the individual or the individual’s husband or wife, and “relative” means brother, sister, ancestor or lineal descendant.

## PART II

### SCALE OF PAYMENTS

#### **Periodical payments**

1. For the classes of ships mentioned below light dues shall be levied by way of periodical payments of the following amounts:

#### **Tugs and fishing vessels**

- (1) Either:
  - (a) an annual payment per ship of £202 plus a payment of £21 for each metre of length in excess of 10 metres; or
  - (b) two equal payments per ship of £114 plus payment of £12 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 1(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 £60.
- (3) Where a tug or a fishing vessel (other than one covered by paragraph 1(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 1(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 £60.

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## **Pleasure vessels**

- (a) (4) (a) Subject to sub-paragraph (b) below, if a general lighthouse authority is satisfied that a pleasure vessel is ordinarily kept or used outside any area for which any general lighthouse authority has responsibility under Part VIII of the Merchant Shipping Act 1995, the payment shall be £26 for each period of 30 days in respect of any visit by a pleasure vessel to such an area; any period of such a visit comprising less than 30 days is to count as a 30 day period for the purposes of this Schedule.
- (b) The total payment in any year for such visit or visits shall not exceed the annual payment specified in sub-paragraph (c) below.
- (c) In all other cases an annual payment of £77.
- (5) A new or newly registered pleasure vessel shall pay £26 for each month or part of a month of the light dues year remaining, subject to such payment not exceeding the annual payment.
2. Any ship 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 1(3) of the scale.

## **Payments per voyage**

- 3.—(1) In respect of ships of all other classes, subject to a minimum charge of £60 per voyage and to paragraph (2) below, the amount of light dues per voyage shall be 41 pence per ton.
- (2) Where a ship has paid dues under paragraph (1) in respect of a voyage it shall not be required to pay light dues in respect of any subsequent voyage in any period of one month commencing with the last preceding relevant date.
- (3) For this purpose, “relevant date” means the date on which a ship arrives at or departs from a port or place on a voyage in respect of which light dues were paid or payable.
- (4) In any year, a ship shall not be required to make payments of light dues for more than seven voyages in total.
- (5) A voyage of a ship shall be reckoned from port to port.
- (6) A payment on account of light dues made under paragraph (1) above in any year shall not entitle the ship to—
- (a) any exemption from dues in accordance with the provisions of paragraph (2) above; or
- (b) any limitation of liability for dues in accordance with the provisions of paragraph (4) above,
- beyond 30th April in the following year.

## **PART III**

### **RULES**

1. Dues payable under paragraph 3 of the scale of payments and the payments referred to in Rule 4 below shall be tendered at the port where the liability arises except as the general lighthouse authority otherwise allows.
- (a) (a) The payments under paragraph 1 of the scale of payments (other than those referred to in paragraph 1(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 207 of the Merchant Shipping Act 1995. For the purposes of section 7 of the Interpretation Act 1978(2) (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. When 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 1(1)(b) of the scale. Where the recipient makes a payment of the appropriate amount under the said paragraph 1(1)(b) within 28 days of the service of the invoice that 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 1 October.

- (a) (a) Any payment in respect of a visit as is referred to in paragraph 1(4)(a) of the scale shall be payable at the commencement of the period in respect of which it is due.
- (b) Any payment under paragraph 1(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.

## PART IV

### DESCRIPTION OF VESSELS EXEMPT FROM LIGHTS DUES

(1) Ships on charter to Her Majesty or used by a Government department or a foreign Government other than for commercial purposes;

(2) Ships of less than 20 tons, other than ships liable to pay light dues by reference to their length;

(3) Sailing ships used exclusively for sail training purposes, operating as travelling museums or vessels of historical interest;

(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, crew changes, embarkation or disembarkation of pilots, a medical emergency, or for provisions for their own use on board, unless they are otherwise engaged in any revenue earning or commercial activity or service;

(7) Ships putting in from stress of weather or because of damage or on voyages solely for the purpose of damage or running repairs, where they are not otherwise engaged in a revenue earning or commercial activity or service, 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; except in the outer areas of the Port of London Authority and the Forth Port Authority where aids to navigation are maintained by the General Lighthouse Authorities;

(9) Any ship (including a pleasure vessel) in respect of any year during the whole of which it is laid up; and in the case of any ship which has opted to pay in two payments as provided for in

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(2) 1978 c. 30.

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paragraph 1(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.

(10) Vessels involved in land defences and/or land reclamation on behalf of a statutory or harbour authority;

(11) Vessels solely engaged in pollution control prevention or recovery on behalf of a statutory authority;

(12) Vessels engaged solely in the transportation of sewerage waste to spoil grounds by or on behalf of a statutory authority;

(13) Vessels putting in or departing in ballast for the purpose of modification, alteration, scrapping or departing as new buildings from a shipyard, not otherwise engaged in any other revenue earning or commercial activity or service;

(14) Dumb barges, lighters, hulks, or other vessels being towed which are specifically designed and built without a means of propulsion.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Merchant Shipping (Light Dues) Regulations 1990 as amended.

The Regulations make the following reductions to the amount of light dues which may be levied:

<i>Description</i>	<i>Previous amount</i>	<i>New amount</i>
Annual payment per ship for tugs and registered fishing vessels	£212	£202
Payment for each metre of length in excess of 10 metres for tugs and registered fishing vessels	£22	£21
Two equal payments per ship for tugs and registered fishing vessels	£119	£114
Payment for each metre of length in excess of 10 metres length for tugs and registered fishing vessels	£12.50	£12
Minimum annual payment for a new or newly registered tug or fishing vessel	£62	£60
Minimum annual payment for a tug or registered fishing	£62	£60

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<i>Description</i>	<i>Previous amount</i>	<i>New amount</i>
vessel which is not registered for a continuous period of more than three months.		
Annual payment for pleasure vessels	£81	£77
Payment for each period of 30 days in respect of a visit within an area for which any general lighthouse authority has responsibility for a pleasure vessel not ordinarily kept or used in such an area	£27	£26
Amount for each month or part of month for a new or newly registered pleasure vessel	£27	£26
Minimum amount per voyage for ships not subject to periodical payments	£62	£60
Rate per ton for ships subject to payments per voyage	43 pence	41 pence

In addition, the Regulations also make the following amendments:

- (a) A ship's tonnage is to be ascertained by reference to its International Tonnage Certificate (1969) or, if the ship does not have such a certificate, by reference to the ship's gross tonnage.
- (b) The exemption in favour of ships navigating wholly within the limits of a harbour authority has been modified except in relation to the Port of London Authority and the Forth Port Authority.
- (c) Additional exemptions have been granted for various classes of ships.