STATUTORY INSTRUMENTS

1980 No. 355

MERCHANT SHIPPING

The Merchant Shipping (Light Dues) Regulations 1980

Made - - - -	10*th March* 1980
Laid before Parliament -	11*th March* 1980
Coming into Operation -	1*st April* 1980

The Secretary of State, in exercise of powers conferred on him by section 5(2) of the Merchant Shipping (Mercantile Marine Fund) Act 1898(a) 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 1980 and shall come into operation on 1st April 1980.

2.—(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.

Norman Tebbit,
Parliamentary Under-Secretary of State,
Department of Trade.

10th March 1980.

SCHEDULE

PART I

SCALE OF PAYMENTS

1. Home-trade sailing ships: 64p per 10 tons per voyage.
2. Foreign-going sailing ships: £1·28 per 10 tons per voyage.

(a) 1898 c. 44; section 5(2) was substituted by 1979 (c. 39), section 36(2).

3. Home-trade steamers:
Full rate: £1·28 per 10 tons per voyage.
Reduced rate (visiting cruise ships): 64p per 10 tons per voyage.

4. Foreign-going steamers:
Full rate: £2·56 per 10 tons per voyage.
Reduced rate (visiting cruise ships): £1·28 per 10 tons per voyage.

5. In the place of payments per voyage, the following payments:—

(*a*) for pleasure yachts which the general lighthouse authority is satisfied are ordinarily kept or used outside any of the following countries and territories (including the territorial waters thereof), namely the United Kingdom, Isle of Man, Republic of Ireland, a payment in respect of any visit of 64p per 10 tons for every period of 30 days or less comprised in such visit;

(*b*) for tugs and pleasure yachts not included in sub-paragraph (*a*) of this paragraph an annual payment of £7·68 per 10 tons.

PART II

RULES

(1) A ship shall not in any year be required to make payments on account of light dues—

(*a*) if the ship is a home-trade ship, for more than 14 voyages; and

(*b*) if the ship is a foreign-going ship, for more than 7 voyages; and

(*c*) if the ship makes voyages during the year both as a home-trade and as a foreign-going ship, for more than 14 voyages, counting each voyage made as a foreign-going ship as 2 voyages:

Provided that in any year no steamer shall be required to pay more than £17·92 per 10 tons and no sailing vessel shall be required to pay more than £8·96 per 10 tons.

(2) A ship shall not pay dues both as a home-trade ship and as a foreign-going ship for the same voyage, but a ship trading from a port outside home-trade limits, and discharging cargo or landing passengers or mails at any port within home-trade limits, shall be deemed to be on one voyage as a foreign-going ship, until she has arrived at the last port of discharge of cargo or passengers brought from beyond home-trade limits; and a ship trading to a port outside home-trade limits, and loading cargo or receiving passengers or mails at any port within home-trade limits, shall be deemed to be on one voyage as a foreign-going ship from the time she starts from the first port of loading of cargo or passengers destined for a port beyond home-trade limits.

(3) The voyage of a home-trade ship shall be reckoned from port to port, but a home-trade ship shall not be required to pay dues for more than three voyages in one month.

(4) The voyage of a foreign-going ship trading outwards shall be reckoned from the first port of lading in the United Kingdom, the Republic of Ireland or the Isle of Man of cargo destined for a port outside home-trade limits.

(5) The voyage of a foreign-going ship trading inwards shall be reckoned from her last port of lading outside home-trade limits to the last port in the United Kingdom, the Republic of Ireland or the Isle of Man at which any cargo laden outside those limits is discharged.

(6) Dues payable per voyage under this Act shall be payable and collected only at ports where a ship loads or discharges cargo or passengers or mails.

(7) The annual payments shall be payable at the commencement of the year in respect of which they are made, provided that a new vessel shall pay only 64p per 10 tons for each month after the commencement of her first voyage till the first of April following.

(8) Every such payment as is referred to in paragraph 5(*a*) of the scale shall be payable at the commencement of the period in respect of which it is made, provided that a vessel shall not in any year be required to pay on account of light dues a sum greater than the sum which such vessel would be liable to pay under paragraph 5(*b*) of the scale.

(9) For the purposes of this Schedule—

(*a*) A ship's tonnage shall be register tonnage reckoned in accordance with the Merchant Shipping Act 1965(**a**) with the addition required in section 85 of the Merchant Shipping Act 1894(**b**) as amended by the Merchant Shipping Act 1965 with respect to deck cargo, or in the case of an unregistered vessel, the tonnage reckoned in accordance with the Thames measurement adopted by Lloyd's Register.

(*b*) A year shall be reckoned from 1st April.

(*c*) In calculating any payment of light dues where the vessel's tonnage is not a multiple of 10 tons, any excess not exceeding 5 tons shall be rounded down and any excess over 5 tons shall be rounded up to the nearest such multiple.

(*d*) A ship shall be treated as a visiting cruise ship if and only if it makes a call at one or more ports in the United Kingdom, Isle of Man or Republic of Ireland for the purpose of disembarking passengers for a visit ashore and for subsequent re-embarkation (whether or not at the same port) and at no time during that cruise does the ship—

(*a*) embark or disembark any other passengers; or

(*b*) load or discharge any cargo or mails—

at any such port.

(*e*) "Home-trade", in relation to any ship, means employed in trading or going within the following limits, that is to say the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland and the Continent of Europe between the north bank of the River Eider and Brest inclusive; and "home-trade limits" shall be construed accordingly.

(*f*) "Foreign-going", in relation to any ship, means employed in trading or going between some place or places in the United Kingdom or the Republic of Ireland and some place or places situate beyond the following limits, that is to say the coasts of the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland and the Continent of Europe between the north bank of the River Eider and Brest inclusive.

PART III

EXEMPTIONS

There shall be exempted from dues under this Schedule:—

Ships belonging to Her Majesty or to a foreign Government unless carrying cargo or passengers for freight or fares;

Sailing ships (not being pleasure yachts) of less than 100 tons, and all ships of less than 20 tons;

Vessels (other than tugs or pleasure yachts) when navigated wholly and bona fide in ballast, on which no freight is earned and without any passenger;

Ships putting in for bunkers, stores, or provisions for their own use on board;

(a) 1965 c. 47. (b) 1894 c. 60.

Vessels for the time being employed in sea fishing or in sea fishing service, exclusive of vessels used for catching fish otherwise than for profit;

Ships putting in from stress of weather or for the purpose of repairing, or because of damage, provided they do not discharge or load cargo other than cargo discharged with a view to such repairs, and afterwards reshipped;

Dredgers and hoppers for the time being employed solely in dredging channels or deepening water for or on behalf of a harbour authority or a conservancy authority, within the area in which that authority has jurisdiction, or in disposing within or without such area, otherwise than by way of sale or exchange, of the spoil from such operations;

Sailing yachts of and above 100 tons, which are not registered in the United Kingdom, Isle of Man, Channel Islands or the Republic of Ireland, and which come into the territorial waters of the United Kingdom or the Republic of Ireland with the sole object of taking part in yacht racing, so long as such yachts are coming into, remaining in, or leaving such territorial waters solely in connection with such object, and hold a certificate in a form approved by the Secretary of State;

Ships making voyages entirely performed in waters in respect of which no lighthouse, buoy or beacon is maintained by a General Lighthouse Authority at the expense of the General Lighthouse Fund;

Yachts in respect of any year ending 31st March during the whole of which they are laid up.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces Schedule 2 to the Merchant Shipping (Mercantile Marine Fund) Act 1898, as amended, relating to the charging of light dues. It is consequent on the coming into operation of section 36(2) of the Merchant Shipping Act 1979, which substituted for the former provisions in section 5(2) of the 1898 Act, under which light dues were amended by Order in Council, a power of the Secretary of State to make regulations with respect to the amounts and levying of such dues.

The Order re-enacts all the provisions of the said Schedule 2 as amended, but increases the scale of payments by approximately 23 per cent.