STATUTORY INSTRUMENTS

1989 No. 305

MERCHANT SHIPPING

The Merchant Shipping (Light Dues) Regulations 1989

Made - - - -	*2nd March 1989*
Laid before Parliament	*10th March 1989*
Coming into force	*1st April 1989*

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 1989 and shall come into force on 1st April 1989.

2. The Merchant Shipping (Light Dues) Regulations 1981**(b)** the Merchant Shipping (Light Dues) (Amendment No. 2) Regulations 1987**(c)** and the Merchant Shipping (Light Dues) (Amendment) Regulations 1988**(d)** are hereby revoked, except for paragraph 5(c) of the scale of payments set out in the Schedule to the said Regulations of 1981, and regulation 3 and the Rules and Exemptions in that Schedule so far as they apply in relation to the said paragraph in the scale, which are revoked with effect from 1st June 1989.

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
2nd March 1989

Michael Portillo
Minister 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. 1981/354, to which there are amendments revoked by these Regulations.
(c) S.I. 1987/746.
(d) S.I. 1988/330.

SCHEDULE

PART I

SCALE OF PAYMENTS

1. Sailing ships: £1.53 per 10 tons per voyage.

2. Steamers other than Ro/Ro Ferries: £3.06 per 10 tons per voyage.

3. Ro/Ro Ferries: £3.06 per 10 tons per voyage on the first 1000 tons, plus £6.12 per 10 tons per voyage on any excess over 1000 tons.

4. 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 and Republic of Ireland, a payment in respect of any visit of £1.53 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 £18.36 per 10 tons;

(c) for fishing vessels of 10 metres or more in length with effect from 1st June 1989 for the ten month period until 31st March 1990 a payment per vessel of £150 plus a payment of £15 for each metre of length in excess of 10 metres.

PART II

RULES

1. (a) There shall be a minimum charge of £25 per voyage in respect of payments under paragraphs 1 to 3 of the scale;

(b) there shall be a minimum charge of £5 for pleasure yachts covered by paragraph 4(a) of the scale in respect of any period of 30 days or less in which dues are payable;

(c) there shall be a minimum annual charge of £50 for tugs and pleasure yachts covered by paragraph 4(b) of the scale.

2. In relation to paragraphs 1 to 3 of the scale a ship whether home-trade or foreign-going shall not in any year be required to make payments on account of light dues for more than 7 voyages. The voyages of ships shall be determined in accordance with rules 3 to 6 below, depending on whether they are home-trade ships or foreign-going ships.

3. 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.

4. 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 two voyages in one month.

5. 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.

6. 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.

7. Dues payable per voyage shall be payable and collected only at ports where a ship loads or discharges cargo or passengers or mails.

8. Every such payment as is referred to in paragraph 4(a) of the scale shall be payable at the commencement of the period in respect of which it is made.

9. (a) The payments under paragraph 4(b) and (c) of the scale shall be payable within twenty-eight days after service of the notice of levy for that amount by a general lighthouse authority or its authorised collector provided that:–

(i) a new vessel other than a fishing vessel shall pay only £1.53 per 10 tons for each month after the date of her first registation till the first of April following provided that there shall be a minimum charge of £5 in respect of any month in which dues are payable;

(ii) in the 10 month period commencing on 1st June 1989 a new fishing vessel of 10 metres or more in length shall pay only one tenth of the full rate in paragraph 4(c) of the scale for each month, or part of a month, after the date of its first registration during which it is so registered until 1st April 1990; and

(iii) where in that period a fishing vessel (other than one covered by paragraph 9(a)(ii)) is not registered for a continuous period of more than 3 months it shall pay only one tenth of the rate in paragraph 4(c) for each month, or part of a month, during which it is so registered.

(b) A general lighthouse authority or its authorised collector shall serve the notice of levy referred to above within the year or period in respect of which the payments are to be made. A notice of levy may be served by post and shall be treated as duly served if served on any one of the registered owners. For the purposes of section 7 of the Interpretation Act 1978**(a)** (service of documents by post) a notice of levy shall be deemed to be properly addressed if it is addressed to that person at the address for the time being recorded in relation to him in the register.

10. (a) A fishing vessel may, subject to paragraph (b) below, instead of making the payment required by paragraph 4(c) of the scale, pay two equal payments of £85 per vessel plus £8.50 for each metre in length in excess of 10 metres in respect of each of the five month periods commencing respectively on 1st June 1989 and 1st November 1989.

(b) In issuing a notice of levy in respect of a fishing vessel a general lighthouse authority shall inform the recipient of his right to elect to make payment in accordance with this Rule. Where the recipient makes a payment in accordance with paragraph (a) above within 28 days of the service of the notice Rule 9 shall not apply; otherwise he shall be liable to pay in accordance with Rule 9. If the recipient makes such a payment in respect of the period from 1st June 1989 in accordance with paragraph (a) above the remaining payment shall be payable within 28 days of 1st November 1989.

11. 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 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) "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;

(e) "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;

(f) "length" in relation to a fishing vessel means the registered length shown in the vessel's certificate of registry and in relation to such a vessel having no registered length, means the length which would be the registered length if the vessel was registered under Part II of the Merchant Shipping Act 1988**(b)**, provided that in calculating any payment of light dues where a fishing vessel's length is not a multiple of one metre, any excess not

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

exceeding half a metre shall be rounded down and any excess over half a metre shall be rounded up to the nearest such multiple;

(g) "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;

(h) "Ro/Ro ferry" means a ship–

(a) 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;

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

(c) engaged on voyages which begin or end in the United Kingdom where neither the distance between the last outward port of call in the United Kingdom and the final port of destination nor the return voyage exceeds 700 nautical miles. The final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the United Kingdom.

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 (not being fishing vessels) of less than 20 tons;

Ships (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;

Fishing vessels of less than 10 metres in length;

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, and fishing vessels in respect of the ten month period ending 31st March 1990 during the whole of which they are laid up; and in the case of a fishing vessel which has opted to pay in two payments as provided for in Rule 10, 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 1981 as amended. They make a number of changes:–

(a) There is to be a common tariff for home-trade and foreign-going sailing ships and steamers (though the distinction is preserved chiefly for the purpose of determining the meaning of "voyage"). The rates for foreign-going ships are reduced by 2%; those for home-trade ships are almost doubled per voyage but for a maximum of 7 rather than 14 liable voyages.

(b) There is a separate, higher, tariff, for Ro/Ro ferries.

(c) The concessionary rate for visiting cruise ships is ended.

(d) Home-trade ships are not to be required to pay dues on more than two voyages a month (instead of three).

(e) Minimum charges are introduced: £25 per voyage where the charge is per voyage, £50 for tugs and pleasure yachts which pay an annual rate, and £5 per month for yachts which pay by the month.

(f) The fishing vessel "dues year" is standardised with that of other vessels so that it ends on 31st March.

(g) Requirements are introduced for the serving of notices of levy where the payments are annual; these payments are to be made within 28 days of service of the notice (rather than at the beginning of the year). Fishing vessels are given the option of paying in two equal instalments.

(h) The definition of tonnage is amended to take account of the International Convention on Tonnage Measurement of Ships 1969 (Cmnd. 4332) which provides for 'net' rather than 'register' tonnage.

As a result of the repeal of section 85 of the Merchant Shipping Act 1894, dues will no longer be charged for deck cargo carried by foreign-going ships. The combined effect of all the changes is to reduce light dues revenue overall by just over 10%.