# CHAPTER 44.

An Act to amend the Law with regard to the provision for the payment of certain Expenses under the Merchant Shipping Act, 1894, and with regard to the levying of Light Dues. [12th August 1898.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund. 57 & 58 Vict. c. 60.

**1.**—(1.) As from the commencement of this Act—

(*a.*) All sums accounted for and paid to the Mercantile Marine Fund, except the light dues or other sums mentioned in paragraph (*i*) of section six hundred and seventy-six of the Merchant Shipping Act, 1894, shall be paid into the Exchequer:

(*b.*) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (*i*) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(*c.*) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

(2.) The General Lighthouse Fund shall be applied to the payment of the expenses by this Act charged thereon, and to no other purpose whatever.

(3.) The amount standing at the commencement of this Act to the credit of the Mercantile Marine Fund shall be carried to the credit of the General Lighthouse Fund, and the liabilities of the Mercantile Marine Fund existing at the commencement of this Act shall be discharged out of the General Lighthouse Fund.

Transfer of certain light dues and charges to General Lighthouse Fund.

**2.**—(1.) All colonial light dues shall, after the commencement of this Act, be carried to the General Lighthouse Fund, subject to the prior payment thereout of any sums payable on account of money secured on those dues at the commencement of this Act in accordance with the conditions on which the money is secured.

(2.) All sums which, at the commencement of this Act, are standing to the credit of the accounts kept by the Board of Trade

with respect to colonial light dues (including any sum standing to the credit of the Basses Lights Fund), shall be transferred and paid to the General Lighthouse Fund, but shall remain subject to any existing charges thereon.

(3.) All expenses incurred in constructing or maintaining any colonial lights, and the contributions made by Her Majesty's Government in respect of the lighthouse on Cape Spartel, Morocco, shall, after the commencement of this Act, be paid out of the General Lighthouse Fund.

(4.) Sections six hundred and sixty-one, six hundred and sixty-two, and six hundred and sixty-three of the Merchant Shipping Act, 1894, (which relate to the advance and borrowing of money for the purpose of the construction and repair of lighthouses) shall apply in the case of colonial lights as they apply in the case of other lighthouses, buoys, or beacons. 57 & 58 Vict. c. 60.

(5.) All expenses incurred after the commencement of this Act by the Board of Trade or any of the general lighthouse authorities in making and maintaining communication between lighthouses and the shore shall be paid out of the General Lighthouse Fund. Provided that such communication shall be available for private messages at reasonable charges, so far as may be compatible with the efficiency and safety of the lighthouse service, and all sums received in respect thereof shall be paid to the General Lighthouse Fund.

**3.** Such fees shall be paid in respect of the registration, transfer (including transmission), and mortgage of British ships as the Board of Trade, with the consent of the Treasury, determine, not exceeding those specified in the First Schedule to this Act, and all such fees shall be paid into the Exchequer. Provided that fees shall not be payable under this section in respect of vessels solely employed in fishing or sailing ships of under one hundred tons. Fees for registration, transfer, &c. of ships.

**4.** Section one hundred and ninety-three of the Merchant Shipping Act, 1894 (which relates to the recovery of expenses incurred on account of distressed seamen), shall extend to expenses incurred under that Act on account of any distressed seamen within the meaning of that Act, except where it is certified in pursuance of section one hundred and eighty-eight of the Act, that the cause of a seaman being left behind is desertion or disappearance, and paragraphs (*a*) and (*b*) in sub-section one of the said section one hundred and ninety-three shall be repealed. Power to recover expenses incurred on account of distressed seamen.

**5.**—(1.) On and after the commencement of this Act the general lighthouse authorities shall levy light dues with respect to the voyages made by ships or by way of periodical payment, and not with respect to the lights which a ship passes or from which it derives benefit, and the dues so levied shall take the place of the dues now levied by those authorities. Scale of light dues.

(2.) The scale and rules set out in the Second Schedule to this Act shall have effect for the purpose of the levying of light dues in

pursuance of this Act, but Her Majesty may, by Order in Council, alter, either generally or with respect to particular classes of cases, the scale or rules and the exemptions therefrom.

(3.) Before any Order in Council is made under this section, the draft thereof shall be laid before each House of Parliament for not less than thirty days on which that House is sitting, and if either House, before the expiration of the thirty days during which the draft has been laid before it, presents an address to Her Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, but this shall be without prejudice to the making of any new draft Order.

Allowance in respect of British boy sailors available for the Royal Naval Reserve.

**6.** On proof to the satisfaction of the Board of Trade that a British ship has during any financial year carried, in accordance with the scale and regulations to be made by the Board of Trade, with the concurrence of the Treasury, boys between the ages of fifteen and nineteen, there shall be paid to the owner of the ship, out of moneys provided by Parliament, an allowance not exceeding one-fifth of the light dues paid during that year in respect of that ship. Provided that no such payment shall be made in respect of any boy unless he has enrolled himself in the Royal Naval Reserve, and entered into an obligation to present himself for service when called upon, in accordance with rules to be issued by the Admiralty. The scale and regulations aforesaid may be modified from time to time by the Board of Trade with the concurrence of the Treasury.

This section shall continue in force until the thirty-first day of March one thousand nine hundred and five, and no longer, unless Parliament otherwise enact.

Definitions.

**7.** In this Act, unless the context otherwise requires—

The expression "colonial lights" means any lighthouses, buoys, or beacons on or near the coast of a British possession and maintained by the Board of Trade out of moneys provided by Parliament or out of colonial light dues, and includes the lighthouses mentioned in the Third Schedule to this Act.

50 & 51 Vict. c. 37.

The expression "Basses Lights Fund" means the fund referred to in section five of the Public Works Loans Act, 1887, formed by the dues levied in respect of the Basses lights.

57 & 58 Vict. c. 60.

Other expressions have the same meaning as in the Merchant Shipping Act, 1894.

Repeal.

**8.** The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title, construction, and commencement.

**9.**—(1.) This Act may be cited as the Merchant Shipping (Mercantile Marine Fund) Act, 1898.

(2.) This Act shall be construed as one with the Merchant Shipping Act, 1894, and that Act and the Merchant Shipping Act, 1897, the Merchant Shipping (Exemption from Pilotage) Act, 1897,

57 & 58 Vict. c. 60.
60 & 61 Vict. c. 59.
60 & 61 Vict. c. 61.

and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1898.

(3.) This Act shall come into operation on the first day of April, one thousand eight hundred and ninety-nine.

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# SCHEDULES.

## FIRST SCHEDULE.

TABLE OF MAXIMUM FEES TO BE PAID ON THE REGISTRATION, TRANSFER, AND MORTGAGE OF SHIPS.

### 1.—REGISTRATION.

1. On Initial Registry.

| | £ | s. | d. |
|---|---|---|---|
| Vessels under 50 tons gross - - - | 1 | 0 | 0 |
| „ 50 to 100 „ - - | 1 | 10 | 0 |
| „ 100 to 200 „ - - - | 2 | 0 | 0 |

with 10*s.* for every additional 100 tons, or fraction of a 100.

### 2.—TRANSFER AND MORTGAGE.

2. On Transfer, Transmission, Registry Anew, Transfer of Registry, Mortgage, and Transfer of Mortgage.

According to the gross tonnage represented by the ships or shares of ships transferred, &c. (*e.g.*, the transfer of a $\frac{1}{64}$ share in a ship of 6,400 tons to be reckoned as the transfer of 100 tons).

| | £ | s. | d. |
|---|---|---|---|
| Under 10 tons - - - - | 0 | 2 | 6 |
| 10 tons and under 20 tons - - | 0 | 5 | 0 |
| 20 „ „ 30 „ - - - | 0 | 7 | 6 |
| 30 „ „ 40 „ - - | 0 | 10 | 0 |
| 40 „ „ 50 „ - - - | 0 | 12 | 6 |
| 50 „ „ 75 „ - - | 0 | 15 | 0 |
| 75 „ „ 100 „ - - - | 0 | 17 | 6 |
| 100 „ „ 125 „ - - | 1 | 0 | 0 |

and a further fee of 2*s.* 6*d.* for every additional 50 tons, or part of 50 tons, up to 500 tons, after which 2*s.* 6*d.* for every 100 tons, or part of 100 tons.

## SECOND SCHEDULE.

### LIGHT DUES.

*Scale of Payments.*

1. One penny per ton per voyage for home-trade sailing ships.

2. Twopence farthing per ton per voyage for foreign-going sailing ships.

3. One penny halfpenny per ton per voyage for home-trade steamers.

4. Twopence three farthings per ton per voyage for foreign-going steamers.

5. An annual payment in the place of payments per voyage of one shilling per ton for tugs and pleasure yachts.

*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 ten voyages; and

(*b*) if the ship is a foreign-going ship, for more than six 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 ten voyages, counting each voyage made as a foreign-going ship as a voyage and a half.

Provided that no steamer shall be required to pay more than one shilling and fourpence halfpenny per ton, and that no sailing vessel shall be required to pay more than one shilling and a penny halfpenny per ton in any year.

(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 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 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 one penny per ton for each month after the commencement of her first voyage till the first of April following.

(8.) For the purposes of these rules—

(*a.*) A ship's tonnage shall be reckoned as under the Merchant Shipping Act, 1894, for dues payable on a ship's tonnage, with the addition required in section eighty-five of that Act with respect to deck cargo, or in the case of an unregistered vessel in accordance with the Thames measurement adopted by Lloyd's Register.

(*b.*) A year shall be reckoned from the day of the month on which this Act commences.

*Exemptions.*

There shall be exempted from dues under this schedule:

Her Majesty's ships;

Ships belonging to foreign Governments;

Sailing ships (not being pleasure yachts) of less than one hundred tons, and all ships (not being pleasure yachts) of less than twenty tons;

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

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

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 re-shipped.

Yachts and pleasure boats of under five ton registered shipping tonnage.

## THIRD SCHEDULE.

### I.—LIGHTHOUSES MAINTAINED BY THE BOARD OF TRADE OUT OF MONEY VOTED BY PARLIAMENT.

*Bahamas.* 11 Lighthouses as follows:—
Gun Cay.
Abaco.
Cay Sal.
Great Isaacs.
Cay Lobos.
Elbow Cay.
Great Stirrup Cay.
Castle Island.
Inagua.
Bird Rock.
Watling Island.

On *Sombrero*, one of the Leeward Islands.

*Cape Pembroke*, Falkland Islands.

### II.—LIGHTHOUSES MAINTAINED BY THE BOARD OF TRADE OUT OF COLONIAL LIGHT DUES LEVIED UNDER THE MERCHANT SHIPPING ACT, 1894.

Great Basses, Little Basses, } off the Coast of Ceylon.

Barberyn, Dondra Head, } on the Coast of Ceylon.

Minicoy Island, between the Laccadive and Maldive Islands.

## FOURTH SCHEDULE.

ENACTMENTS REPEALED.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 35 & 36 Vict. c. 55. | The Basses Lights Act, 1872. | The whole Act. |
| 44 & 45 Vict. c. 38. | The Public Works Loans Act, 1881. | Section ten. |
| 50 & 51 Vict. c. 37. | The Public Works Loans Act, 1887. | Section five. |
| 57 & 58 Vict. c. 60. | The Merchant Shipping Act, 1894. | Section one hundred and ninety-three, the word "such" where it first occurs, and from "as follows; namely" to "citizen of a foreign country," inclusive.<br>Section one hundred and ninety-four.<br>Section six hundred and forty-three, to the words "and those," inclusive.<br>Sections six hundred and forty-four, six hundred and forty-five, six hundred and forty-six, six hundred and seventy-three, and six hundred and seventy-eight. |

# CHAPTER 45.

## An Act to amend Section Sixty-nine of the Metropolitan Poor Act, 1867, as to the Expenses payable out of the Metropolitan Common Poor Fund.

[12th August 1898.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 30 & 31 Vict. c. 6. s. 69, as to expenses payable out of metropolitan common poor fund.

1.—(1.) Any institution for the maintenance of pauper children which would otherwise come within sub-section eight of section sixty-nine of the Metropolitan Poor Act, 1867, shall not be deemed to be or to have been excluded therefrom by reason only of the children being educated at a public elementary school or elsewhere outside the institution.

(2.) If on any day the number of pauper children maintained in any district or separate school exceeds the number certified by the