



Ports Act 1991

1991 CHAPTER 52

PART III

MISCELLANEOUS AND SUPPLEMENTARY

Lighthouses

31 Responsibility for local lighthouses

- (1) Every harbour authority shall have power to carry out harbour operations to which subsection (2) below applies either within the authority's area or on harbour land.
- (2) This subsection applies to harbour operations consisting of the marking or lighting of a harbour or any part of a harbour.
- (3) Every harbour authority shall be regarded (without prejudice to whether or not the authority would fall to be so regarded apart from this section) as a local lighthouse authority within the meaning given in section 634(1) of the Merchant Shipping Act 1894 (persons and bodies having by law or usage authority over local lighthouses, buoys or beacons).
- (4) A general lighthouse authority shall not in the area of a harbour authority—
 - (a) erect or place any lighthouse, works, roads or appurtenances under paragraph (a) of section 638 of that Act (general powers of lighthouse authorities); or
 - (b) erect or place any buoy or beacon under paragraph (c) of that section; except in pursuance of a direction given by the Secretary of State.
- (5) The Secretary of State may give such a direction to a general lighthouse authority if he considers it appropriate to do so in the interests of general navigation.
- (6) In section 653 of that Act (control of local lighthouse authorities by general lighthouse authorities) for subsections (3) and (4) (which provide in certain circumstances for a transfer to the general lighthouse authority of the powers of a local lighthouse authority

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with respect to lighthouses, buoys or beacons) there shall be substituted the following subsection—

“(3) A direction under subsection (1) of this section shall be given in writing; and it shall be the duty of a local lighthouse authority to whom such a direction is given to comply with it.”

- (7) In this section “harbour land” and “harbour operations” have the same meanings as in the Harbours Act 1964 or, as respects Northern Ireland, as in the Harbours Act (Northern Ireland) 1970.

32 General transfer of local lighthouses from general lighthouse authorities to harbour authorities

- (1) Before such date as may be specified in a direction given by the Secretary of State to each of the general lighthouse authorities, each of those authorities shall submit to the Secretary of State proposals in writing for the transfer under this section to the appropriate harbour authorities of such of the lighthouses, buoys and beacons held by the general lighthouse authority concerned as—
- (a) are situated in the area of any harbour authority or on land adjacent to the area, or any part of the area, of such an authority; and
 - (b) appear to the general lighthouse authority concerned to be of benefit solely or mainly to ships within, or entering or leaving, that harbour authority’s area.
- (2) For the purposes of this section, a harbour authority are the appropriate harbour authority in relation to any such lighthouse, buoy or beacon if the lighthouse, buoy or beacon is situated in that authority’s area or on land adjacent to that area or any part of it.
- (3) The proposals submitted by each general lighthouse authority shall—
- (a) specify the lighthouses, buoys and beacons which the authority consider are required by subsection (1) above to be covered by the proposals;
 - (b) specify in relation to each lighthouse, buoy or beacon specified in the proposals the harbour authority who are the appropriate harbour authority in relation to it; and
 - (c) specify in relation to each harbour authority so specified any property of the general lighthouse authority which has been used up to the date of the proposals exclusively in connection with the exercise by that authority of their functions in relation to lighthouses, buoys or beacons so specified which are situated in that harbour authority’s area or on land adjacent to that area or any part of it.
- (4) The proposals may specify in relation to any harbour authority so specified any property of the general lighthouse authority—
- (a) which has been used up to the date of the proposals substantially but not exclusively as mentioned in subsection (3)(c) above; and
 - (b) which the general lighthouse authority consider it would be appropriate to transfer to that harbour authority.
- (5) Before submitting any proposals under this section a general lighthouse authority shall consult each harbour authority specified in the proposals.
- (6) The Secretary of State may make such modifications of any proposals submitted to him in accordance with this section as he thinks fit after consulting the general lighthouse

authority who submitted the proposals; and, if he does so, references in subsection (8) below to any proposals under this section are references to the proposals as modified.

- (7) Before deciding whether to make any such modifications—
- (a) affecting any harbour authority specified in the proposals; or
 - (b) by virtue of which provision would be included in the proposals for the transfer to a harbour authority under this section of any lighthouse, buoy or beacon;

the Secretary of State shall consult the harbour authority concerned.

- (8) On such day as the Secretary of State may by order appoint as the transfer date for the purposes of this section—
- (a) all lighthouses, buoys and beacons specified in any proposals under this section; and
 - (b) any other property of a general lighthouse authority so specified;
- shall be transferred and vest in accordance with the proposals.

33 Individual transfers of local lighthouses

- (1) A general lighthouse authority may at any time, with the consent of the Secretary of State, transfer to a harbour authority any lighthouse, buoy or beacon held by the general lighthouse authority which—
- (a) is situated in the area of that harbour authority or on land adjacent to that area or any part of it; and
 - (b) appears to the general lighthouse authority to be of benefit solely or mainly to ships within, or entering or leaving, that harbour authority's area.

- (2) The reference in subsection (1) above to a lighthouse, buoy or beacon includes its appurtenances.

- (3) The Secretary of State shall not give his consent for the purposes of subsection (1) of section 654 of the Merchant Shipping Act 1894 (surrender to general lighthouse authorities of local lighthouses) in any case where the local lighthouse authority concerned are a harbour authority unless he considers that the maintenance of the lighthouse, buoy or beacon in question is in the interests of general navigation.

- (4) For subsections (2) and (3) of that section there shall be substituted the following subsection—

“(2) The reference in subsection (1) of this section to a lighthouse, buoy or beacon includes its appurtenances.”.

34 Provisions supplementary to sections 31 to 33

- (1) Any expenses incurred by a general lighthouse authority in connection with the discharge of their functions under section 32 or 33 above shall be paid out of the General Lighthouse Fund.

- (2) In sections 31 to 33 above and this section the following expressions have the same meanings as in the Merchant Shipping Act 1894—

“buoys and beacons”;
“general lighthouse authority”;
“lighthouse”; and

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“ship”.

- (3) In relation to any harbour authority, any reference in those sections to the authority’s area is a reference to the area or areas inside the limits within which the authority’s statutory powers and duties as a harbour authority are exercisable.