



Merchant Shipping Law Amendment Act 1853

1853 CHAPTER 131

Light Dues and other Dues on Shipping

The Light Dues payable to the Trinity House, Northern Light Commissioners, and Ballast Board, and the Ballast Rates of the Trinity House, to form the Mercantile Marine Fund.

- IV** And whereas the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation receive, under various Acts of Parliament, Grants, and Charters, certain Lighthouse Tolls, and the said Trinity House, in respect of then-exclusive Right of supplying Vessels in the River Thames with Ballast, receive certain Ballastage Rates under the said Act of the Seventh Year of Her present Majesty, Chapter Fifty-seven: And whereas the Board of Trade receive certain Fees and other Payments under " The Mercantile Marine Act, 1850," " The Mercantile Marine Act Amendment Act, 1851," and "The Steam Navigation Act, 1851:" And whereas the Trinity House have, so far as relates to the said Tolls and Rates so received by them, agreed that the Account thereof shall be kept at the Bank of England, and that certain Regulations shall be adopted for the Purpose of reducing the same from Time to Time as the Requirements of the Services for which they are levied will permit, and for the Purpose of subjecting the Receipt and Expenditure thereof to effective Supervision and Control : And whereas it is expedient that the whole of the aforesaid Tolls, Rates, Fees, and Payments should be made subject to similar Regulations with a view to the Supervision and Control of the Receipt and Expenditure thereof, and to the Application thereof to the several Services in respect of which they are paid, and to the Reduction thereof respectively whenever Circumstances will permit: Be it enacted, That all Lighthouse Tolls received by or on account of the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation respectively, and all Ballastage Rates received by the Trinity House, and all Fees or Payments received by the Board of Trade under the several Acts herein-before mentioned in that Behalf, shall be carried to One aggregate Fund, to be called " The Mercantile Marine Fund ;" and such aggregate Fund shall be applicable to the Purposes of the Services in respect of which the said Tolls, Rates, Fees, and Payments are levied, and to the Execution of Works necessary or expedient for permanently reducing the

Expense of such Services, and, save as herein-after specially mentioned, to no other Purposes whatever.

Account of the said Fund to be kept by Her Majesty's Paymaster General.

- V** An Account of the said Fund, to be entitled " The Mercantile Marine Fund Account," shall be opened with Her Majesty's Paymaster General; and the said Paymaster General shall keep separate Accounts of the several Monies so received as aforesaid by the said several Bodies respectively, and shall also keep separate Accounts of the Monies received by the Trinity House for Lighthouse Tolls and Ballastage Rates respectively, and shall keep the Accounts of all Monies received by the Trinity House in such Names as the Trinity House may from Time to Time appoint; and all Monies received on account of such Tolls, Rates, Fees, or Payments as aforesaid after the Time at which this Act comes into operation, and all Cash Balances arising from such Tolls, Rates, Fees, or Payments which at that Time are in the Hands of the Trinity House, the Commissioners of Northern Lighthouses, the Port of Dublin Corporation, or the Board of Trade, shall, as the Board of Trade may direct, either be applied to defray Expenses, or be remitted to the said Paymaster General to be placed to the Credit of the said Mercantile Marine Fund Account; and all Investments arising from any such Tolls as aforesaid which at the Time when this Act comes into operation are in the Hands of the Commissioners of Northern Lighthouses or of the Port of Dublin Corporation shall be sold, and the Produce thereof shall be applied and remitted in like Manner; and all Monies so remitted shall, so far as regards the Application thereof, be treated as forming One aggregate Fund, and shall be from Time to Time transferred and applied as the Board of Trade may direct for all or any of the Purposes specified in this Act.

Establishments for Lighthouses and Ballastage charged on the Mercantile Marine Fund to be fixed by Her Majesty in Council.

- VI** Her Majesty may from Time to Time, by and with the Advice of Her Privy Council, fix the Establishments to be maintained by the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation respectively on account of the Services of Lighthouses, and to be maintained by the Trinity House on account of the Services to which the said Ballastage Rates are to be applied aforesaid, or the annual or other Sums to be paid out of the said Mercantile Marine Fund in respect of such Establishments ; and if it appears that any Part of the Establishments of the Trinity House, or of the Commissioners of Northern Lighthouses, or of the Port of Dublin Corporation respectively is maintained for the Purposes of this Act, and also for other Purposes, to fix and from Time to Time alter the Portion of the Expense of such Establishments to be paid out of the said Mercantile Marine Fund; and no Increase of any Establishment or Part of an Establishment so fixed shall be made without the Consent of the Board of Trade.

Estimates and Accounts for other Expenses to be approved by the Board of Trade.

- VII** The Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation respectively shall from Time to Time submit to the Board of Trade Estimates of all Expenses in respect of the Services aforesaid, other than the Establishment Expenses for the Time being allowed by Order in Council as aforesaid; and shall also, whenever in providing for any sudden Emergency it is necessary to incur Expense in respect of such Services without waiting until an Estimate can be sanctioned, as soon as possible send to the Board of Trade a full Account of such Expense; and the Board of Trade shall consider and may approve such Estimates and Accounts, either with or without Variation.

No Expense to be allowed unless sanctioned by Board of Trade.

- VIII** No Expense of the said Trinity House, the Commissioners of Northern Lighthouses, or the Port of Dublin Corporation in respect of the said Services shall be paid out

of the said Mercantile Marine Fund, or allowed in Account, other than the Sums so allowed for Establishment Expenses as aforesaid, or included in Estimates of Accounts approved by the Board of Trade,

For the Purpose of erecting and repairing Lighthouses, &c., Treasury may advance Money.

IX For the Purpose of the Erection and Repairs of Lighthouses, and of other extraordinary Expenses connected with the said Services or any of them, the Commissioners of Her Majesty's Treasury are authorized from Time to Time, upon the Application of the Board of Trade, to advance out of the growing Produce of the Consolidated Fund of the United Kingdom such Sums of Money, upon such Terms, and at such Rate of Interest as they may think fit, and to pay the same into the said Mercantile Marine Fund Account, so nevertheless that the whole Sum for the Time being due in respect of such Advances shall never at any One Time exceed Two hundred thousand Pounds; and upon any Advance being so made, the Sum so advanced and the Interest shall be a Charge on the said Mercantile Marine Fund, and upon the Tolls, Rates, Fees, and Payments so to be carried thereto as aforesaid; and the Board of Trade shall make such Provision for the Repayment thereof out of the said Fund, either by forming a Sinking Fund or otherwise, as the said Commissioners may require; provided that no such Advance shall prevent any lawful Reduction of any of the said Tolls, Rates, Fees, or Payments if such Reduction be assented to by the said Commissioners.

Power to Board of Trade to borrow Money on the Credit of the Fund.

X The Board of Trade may also, for the Purpose last aforesaid, raise Money by mortgaging the said Mercantile Marine Fund, and the several Tolls, Rates, Fees, and Payments so to be carried thereto as aforesaid, or any of them, or any Part thereof, to any Body Corporate or Person; and every such Mortgage shall be in such Form, and under the Hand and Seal of such Person or Persons, as the President of the said Board for the Time being may direct; and no Body Corporate or Person lending Money upon any such Mortgage shall be bound to see to the Purpose for which the same is raised, or to the Mode in which it is applied.

Her Majesty may, by Order in Council, fix Tolls to be taken for new Lighthouses.

XI Upon the Erection of any new Lighthouse Her Majesty may by Order in Council fix such Toll in respect thereof to be paid by the Master or Owner of every Ship which passes the same or derives Benefit therefrom as Her Majesty may deem reasonable, and may from Time to Time alter the Amount thereof; and such Toll shall be paid and collected in the same Manner, by the same Means, and subject to the same Conditions, in, by, and subject to which the Lighthouse Tolls mentioned in the Act of the Seventh Year of King William the Fourth, Chapter Seventy-nine, are paid and collected.

Provisions for existing Debts and Charges.

XII All Debts and Liabilities which have been duly incurred or undertaken by the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation respectively, before the passing of this Act, and which are such as if this Act had not been passed ought to have been paid out of the said Tolls and Rates, shall be paid or provided for out of the said Mercantile Marine Fund; and all Expenses of the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation, in respect of any charitable or other Pensions, Superannuations, or other Allowances which have been lawfully granted or allowed by them respectively before the passing of this Act, and which are such as if this Act had not been passed ought to have been paid out of the said Tolls and Rates, shall be paid out of the said Mercantile Marine Fund during the respective Lives or Continuance in Office of the Persons receiving the same, or other Periods for which the same may have been granted or allowed; and if it appear that any Debts or Liabilities so incurred as aforesaid, or

any of the Expenses in respect of charitable or other Pensions, and Superannuation or other Allowances, are Debts, Liabilities, or Expenses which if this Act had not been passed would have been paid partly out of the said Tolls and Rates and partly from other Sources, such Part thereof as the Board of Trade shall under the Circumstances of the Case think just shall be paid out of the said Mercantile Marine Fund; and the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation respectively shall submit to the Board of Trade Statements of all such Debts and Liabilities, and of all such Expenses or Parts of Expenses in respect of charitable or other Pensions, Superannuations or other Allowances, as are to be paid out of the said Mercantile Marine Fund, and also Estimates of the Sums which may be from Time to Time required to provide for the same; and no Payment in respect of any such Debt, Liability, or Expense shall be made out of the said Mercantile Marine Fund unless provided for by such Estimates, and approved by the Board of Trade.

Power to commute Pensions and grant Superannuation Allowances.

XIII The Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation may from Time to Time, with the Sanction of the Board of Trade, commute any charitable or other Pensions or other Allowances payable out of the said Mercantile Marine Fund, or grant Superannuations or Compensations to Persons whose Salaries may be charged on the said Fund, and who may be discharged or may retire, so nevertheless that no Superannuation Allowance or Compensation to any Person so discharged or retiring shall exceed the Proportion of his Salary which might be granted under similar Circumstances to a Person in the Public Civil Service under the Act of the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, or under any other Act for regulating such Superannuation Allowances or Compensations for the Time being in force; and such Commutations, Superannuations, and Compensations shall from Time to Time be included in the Estimates to be submitted as aforesaid, and paid out of the said Fund.

Application of Ballastage Rates.

XIV And whereas the Monies arising from Ballastage Rates are derived from local Sources, and it is expedient that the same should be applied for local Purposes: Be it enacted, That, subject to the Payment of such Proportion of the Debts, Liabilities, and Expenses herein-before mentioned as may in the Opinion of the Board of Trade be fairly chargeable thereon, such Monies shall be applicable only to "Services performed for the Purpose of supplying Ballast to or providing for the Safety or Convenience of such Ships as navigate the said River Thames, and the Seas and Channels leading thereto between Orfordness on the North and Dungeness on the South: Provided that if, in addition to the Duties hitherto performed in consideration of the said Ballastage Rates, the Trinity House, at the Request or with the Consent of the Owners or Masters of or Agents for any Ships, undertake to place Ballast on board thereof, or to unload Ballast therefrom, they shall be entitled to charge for such additional Duties such reasonable additional Rate per Ton for Ballast so placed on board or unladen as Her Majesty by Order in Council may from Time to Time approve.

Light Dues, &c. to be revised by Her Majesty in Council.

XV Her Majesty may, by and with the Advice of Her Privy Council, from Time to Time, as Circumstances may appear to Her Majesty to permit, reduce all or any of the said Tolls or Rates received by the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation, and may also from Time to Time increase or vary any of such Tolls or Rates; so that no Toll or Rate levied under any Authority existing at the Time of the passing of this Act be made to exceed the Amount which might have been demanded or received in respect thereof if this Act had not passed.

Fees received by the Board of Trade to be applied only in Payment for Services.

XVI Subject to all Liabilities duly incurred or undertaken by or with the Sanction of the Board of Trade before the passing of this Act, such Part of the said Mercantile Marine Fund as arises from Fees and Payments received by the Board of Trade under the Acts herein-before mentioned in that Behalf shall be applied exclusively in or towards the Payment of Expenses duly incurred in carrying on the several Services herein-before mentioned, and for no other Purpose whatever; and it shall be lawful for the Board of Trade from Time to Time to reduce or alter the said Fees in such Manner as such Board may think fit, so that no Fee be demanded of greater Amount than could have been demanded if this Act had not passed.

Trinity House, &c. to account for Receipt and Expenditure to the Board of Trade.

XVII The Sixty-second Section of the Act of the Seventh Year of King William the Fourth, Chapter Seventy-nine, shall be repealed; and the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation shall respectively account to the Board of Trade for their Receipts from the said Tolls and Rates so received by them as aforesaid, and for their Expenditure as regards Expenses paid out of the Mercantile Marine Fund, in such Form, and at such Times, and with such. Details, Explanations, and Vouchers, as the Board of Trade may require, and shall, when required by the said Board, permit all Books of Accounts kept by or under their respective Direction to be inspected and examined by such Persons as the said Board may appoint for that Purpose.

Accounts of Mercantile Marine Fund to be audited by Commissioners of Audit.

XIX The Board of Trade shall as soon as practicable after the Meeting of Parliament in every Year cause the Account of the Mercantile Marine Fund for the then preceding Year to be laid before both Houses of Parliament.

Board of Trade may appoint Persons to inspect Lighthouses.

XX The Board of Trade may, upon Complaint to the Effect that any Lighthouse under the Management of the Trinity House, the Commissioners of Northern Lighthouses, or the Port of Dublin Corporation, or any Work connected therewith, is inefficient, or improperly managed, or unnecessary, authorize Persons to inspect the same; and every Person so authorized may enter and inspect the same accordingly, and make such Inquiries in respect thereof, and of the Management thereof, as he may think fit; and all Officers and others having the Care of such Lighthouses or concerned in the Management thereof, shall furnish all such 'Information and Explanations in relation thereto as he may require; and the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation,' and their respective Officers, shall at all Times give to the Board of Trade all such Returns, Explanations, or Information in relation to such Lighthouses and -the Management thereof, and in relation to the several Services aforesaid; as such Board may from Time to Time require.

Section 43 of 6 & 7 W.4, c.79 repealed, and Trinity House, with Sanction of Board of Trade, to make Suggestions and give Directions to the other Lighthouse Boards.

XXI The Forty-third Section of the said Act of the Seventh Year of King William the Fourth, Chapter Seventy-nine, shall be repealed; and the Trinity Home may, with the Sanction of the Board of Trade, exercise the Powers given to them by the Forty-second Section of the same Act, and may further, with such Sanction as aforesaid, direct the Commissioners of Northern Lighthouses and the Port of Dublin Corporation respectively to erect any new Lighthouse, and to continue, remove, or alter any Lighthouse on or near the Coasts and Islands within their respective Jurisdictions, in such Manner as the Trinity House may think fit and as the Board of Trade may approve: Provided always, that the said Trinity House, on making Application to the Board of Trade to give their Sanction to any Directions or Suggestions proposed by the said Trinity House under the said Act of the Seventh Year of King William the Fourth,

Chapter Seventy-nine, or under this Act, shall give Notice to the said Commissioners or Corporation respectively of such their Application, by causing written Notice of the said Application and a Copy of the said proposed Directions or Suggestions to be, left at the Office of the said Commissioners in Edinburgh, or at the Office of the said Corporation in Dublin, as the Case may be, and that after Opportunity has been afforded to the said Commissioners or Corporation respectively to submit their Observations, if they see fit, with respect to such Application to the said Trinity House, (a Copy of which Observations the said Commissioners and Corporation respectively may, if they see fit, transmit to the Board of Trade,) then if the said Trinity House, with the Concurrence of the Board of Trade, shall adhere to their said Directions or Suggestions, it shall be the Duty of the said Commissioners and Corporation respectively, and they are hereby required, to carry into effect within a reasonable Time thereafter any Directions or Suggestions proposed by the said Trinity House and sanctioned by the Board of Trade as aforesaid.

Property used for the Purpose of the said Services to be exempt from all Rates and Taxes.

XXII All Lighthouses and Lighthouse Tolls, and all other Fees or Payments accruing to or forming Part of the said Mercantile Marine Fund, and all Premises or Property belonging to the Trinity House, the Commissioners of Northern Lighthouses, the Port of Dublin Corporation, or the Board of Trade, which are used or applied for the Purpose of any of the Services for which such Tolls, Fees, and Payments are received, shall be exempted from all public, parochial, or local Taxes of every Kind; and the Ships of the said Trinity House, Commissioners, and Corporation shall be privileged to enter or resort to all Ports, Piers, or Harbours in the United Kingdom and Isle of Man, without Payment of any Tolls, Dues, or Rates for the same.

Provisions & & 9 Vict. c.19, to apply to Land purchased for Lighthouses.

XXIII The Lands Clauses Consolidation (Scotland) Act, 1845, shall apply to all Lighthouses erected by the Commissioners of Northern Lighthouses under any Powers given to them by any Act or Acts of Parliament, and to any Land which by any such Act or Acts they may be empowered to purchase; and all the Provisions of the said Lands Clauses Consolidation (Scotland) Act shall, so far as the same are in their Nature applicable thereto, apply to such Lighthouses and Land, and shall be construed as if the same were incorporated with the special Act or Acts by which such Powers as aforesaid are given.

Dues levied on Ships not to be sold or charged without Consent of the Board of Trade.

XXIV No Dues, Tolls, Rates, or Charges, of what Nature soever, levied or leviable, or hereafter to be levied or leviable, on any Ships, or on any Goods carried in any Ships, in any Port of Great Britain or Ireland for any Purpose whatever, shall be sold, mortgaged, or charged in any Manner or for any Purpose without the Consent of the Board of Trade first obtained, such Consent to be signified by Writing under the Hand of One of the Secretaries or Assistant Secretaries to such Board; and any Sale, Mortgage, or Charge of any such Dues, Tolls, Rates, or Charges made after the passing of this Act without such Consent shall be absolutely void, except in the following Cases; that is to say, in the Case of any Sale, Mortgage, or Charge of any Dues, Tolls, Rates, or Charges levied for the Use of any Dock or other Undertaking intended solely for the Benefit of Shipping, where the Monies raised by the Sale, Mortgage, or Charge are to be applied exclusively for the Purposes of the Undertaking for the Use of which such Dues, Rates, Tolls, or Charges are levied or leviable in the Case of any Mortgage or Charge made under the Authority of any Act of Parliament for the Purpose of raising Money to pay the Costs of any Work constructed or duly contracted for before the passing of this Act; and in the Case of any Mortgage or Charge made or continued

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under any Powers of reborrowing or continuing Money on Mortgage or Bond given by any Act of Parliament for the Purposes of any Work so constructed or contracted for as aforesaid.