



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART XI

#### LIGHTHOUSES.

##### *Light Dues.*

#### **643 Continuance of light dues.**

Subject to any alterations to be made under the powers contained in this Part of this Act, a general lighthouse authority shall, in respect of any lighthouses, buoys, or beacons which at the commencement of this Act are under their management, continue to levy dues (in this Act called light dues), subject to the same limitations as to the amount thereof as are in force at the commencement of this Act; and those light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty, and ships exempted from payment thereof in pursuance of this Act.

#### **644 Dues for new lighthouses.**

On the completion of any lighthouse, buoy, or beacon, Her Majesty may, by Order in Council, fix dues to be paid in respect thereof in the case of any ship which passes the same, or derives benefit therefrom, and the dues so fixed shall, for the purposes of this Act, be deemed to be light dues.

#### **645 Revision of light dues by Order in Council.**

- (1) Her Majesty may, by Order in Council, increase, vary, or reduce any light dues payable in respect of any lighthouse, buoy, or beacon for the time being under the management of a general lighthouse authority.
- (2) Provided that the light dues payable in respect of a lighthouse, buoy, or beacon which was existing on the first day of May one thousand eight hundred and fifty-five shall not be made to exceed the amount which at any period previous to that date was received in respect thereof, or to which they might have been raised during any part of that period.

**646 Regulation of light dues by lighthouse authorities.**

- (1) A general lighthouse authority may, with the consent of Her Majesty given by Order in Council,—
  - (a) exempt any ships or any classes of ships from the payment of light dues receivable by that authority, and annex any terms or conditions to those exemptions ;
  - (b) alter the times, places, and modes at and in which the light dues receivable by the authority are payable; and
  - (c) substitute any other dues or class of dues, whether by way of annual payment or otherwise, in respect of any ships or classes of ships, for the dues payable to that authority for the time being.
- (2) Nothing in this Act shall affect the provisions of the Shipping Dues Exemption Act, 1867, or any Act amending the same.

**647 Publication of light dues and regulations.**

Tables of all light dues, and a copy of the regulations for the time being in force in respect thereof, shall be posted up at all custom houses in the United Kingdom, and for that purpose each of the general lighthouse authorities shall furnish copies of all such tables and regulations to the Commissioners of Customs in London, and to the chief officers of customs resident at all places where light dues are collected on account of that lighthouse authority; and those copies shall be posted up by the Commissioners of Customs at the Custom House in London, and by the chief officers of customs at the custom houses of the places at which they are respectively resident.

**648 Application and collection of light dues.**

- (1) All light dues coming into the hands of any general lighthouse authority under this Act shall be carried to the Mercantile Marine Fund.
- (2) Every person appointed to collect light dues by any of the general lighthouse authorities shall collect all light dues payable at the port at which he is so appointed, whether they are collected on account of the authority by whom he was appointed or on account of one of the other general lighthouse authorities.
- (3) Any person so appointed to collect light dues shall pay over to the general lighthouse authority by whom he was appointed, or as that authority directs, the whole amount of light dues received by him; and the authority receiving the dues shall keep accounts thereof, and shall cause the dues to be remitted to Her Majesty's Paymaster-General in such manner as the Board of Trade direct.

**649 Recovery of light dues.**

- (1) The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable; namely,—
  - (a) The owner or master ; or
  - (b) Such consignees or agents thereof as have paid, or made themselves liable to pay, any other charge on account of the ship in the port of her arrival or discharge:

and those dues may be recovered in the same manner as fines of a like amount under this Act.

- (2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of light dues in respect of any ship, may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all light dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

**650 Distress on ship for light dues.**

- (1) If the owner or master of any ship fails, on demand of the authorised collector, to pay the light dues due in respect thereof, that collector may, in addition to any other remedy which he or the authority by whom he is appointed is entitled to use, enter upon the ship, and distrain the goods, guns, tackle, or any thing belonging to, or on board, the ship, and detain that distress until the light dues are paid.
- (2) If payment of the light dues is not made within the period of three days next ensuing the distress, the collector may, at any time during the continuance of the nonpayment, cause the distress to be appraised by two sufficient persons or sworn appraisers, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any), on demand, to the owner or master of the ship.

**651 Receipt for light dues.**

A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and a ship may be detained at any port where light dues are payable in respect of any ship, until the receipt for the light dues is produced to the proper officer of customs.