
STATUTORY INSTRUMENTS

1991 No. 1404

MERCHANT SHIPPING

The Merchant Shipping (Fees) (Amendment) Regulations 1991

<i>Made</i>	- - - -	<i>13th June 1991</i>
<i>Laid before Parliament</i>		<i>25th June 1991</i>
<i>Coming into force</i>	- -	<i>1st July 1991</i>

The Secretary of State for Transport, in exercise of the powers conferred by—

- (i) section 33 of the Merchant Shipping (Safety Convention) Act 1949 (1);
- (ii) section 6 of the Fishing Vessels (Safety Provisions) Act 1970 (2); and
- (iii) section 21(1) and (3)(r) of the Merchant Shipping Act 1979(3);

and now vested in him(4) and of all other powers enabling him in that behalf, after consulting with the persons referred to in section 22(2) of the Act of 1979, and with the consent and approval of the Treasury, hereby makes the following Regulations:

1. These Regulations may be cited as the Merchant Shipping (Fees) (Amendment) Regulations 1991 and shall come into force on 1st July 1991.

2. The Merchant Shipping (Fees) Regulations 1991 (5) shall be amended as follows—

- (a) by adding to regulation 2(1) the following definition (before the definition of “tons”):
““Radio Rules” means the Merchant Shipping (Radio Installations) Regulations 1980(6), the Merchant Shipping (Navigational Equipment) Regulation 1984(7), the Merchant Shipping (Radio Installations Survey) Regulations 1981(8) and the Merchant Shipping (Radio) (Fishing Vessels) Rules 1974(9);”
- (b) by adding to regulation 4(1) the following paragraph “(g) where the amount of work chargeable for is not an exact hour, the time shall be rounded up to the nearest half hour; or in the case of fees payable to British Telecommunications plc for services in connection with the Radio Rules up to the nearest quarter hour”;

(1) 1949 c. 43; section 33 was extended by section 2(4) of the Merchant Shipping Act 1964 (c. 47), which was amended by S.I. 1980/539.
(2) 1970 c. 27.
(3) 1979 c. 39.
(4) See S.I.1970/1537.
(5) S.I. 1991/784.
(6) S.I. 1980/529, amended by S.I. 1981/582, 1984/346, 1223, 1985/1216, 1986/1075.
(7) S.I. 1984/1203, amended by S.I. 1985/659.
(8) S.I. 1981/583.
(9) S.I. 1974/1919, amended by S.I. 1982/1292.

- (c) by adding to the end of regulation 5(2) “except in the case of the issue of a certificate issued pursuant to the Radio Rules where the survey for the purpose of such certificate was performed abroad by a locally appointed surveyor. In such case the work involved in the issue of the certificate shall be charged for separately at the hourly rate of £44”;
- (d) by numbering the existing paragraph 2 of Part I of the Schedule “(1)”, by deleting sub-paragraph (1)(d), and adding the following sub-paragraph—
 - (a) “(2) In the case of the Radio Rules, the fees for any services performed by British Telecommunications plc pursuant to the Merchant Shipping (Radio and Radio-Navigational Equipment Survey) Regulations 1991⁽¹⁰⁾ and the Fishing Vessels (Safety Provisions) (Amendment) Rules 1991⁽¹¹⁾ shall be charged as follows—
 - (i) in respect of the time occupied by the survey (subject to regulation 4 above and to any additional charge payable under Part XI below) in travelling, conducting the survey and completing a report of the survey, at an hourly rate of £44, and
 - (ii) in respect of all administrative (and other) work involved, at an amount of £72 for fishing vessels, and £88 for other ships.
 - (b) Subject to the above, and to any additional charge payable under Part XI, the hourly rate for any services performed in connection with the Radio Rules shall be £37.”;
- (e) by adding to paragraph 4 of Part I of the Schedule the following sub-paragraph—

“(5) In the case of any service performed by British Telecommunications plc pursuant to the Merchant Shipping (Radio and Radio-Navigational Equipment Survey) Regulations 1991 or the Fishing Vessels (Safety Provisions) (Amendment) Rules 1991, sub-paragraph (3) shall apply as if the reference to the Secretary of State was a reference to British Telecommunications plc.”;
- (f) by substituting in Part II of the Schedule, in the Table in paragraph 3, “£660” for “£610” in the column headed “Fee”.
- (g) by substituting in Part XI of the Schedule in the column headed “Radio surveys £ per hour or part thereof” in the Table, “44”, “88”, “44”, “22”, “44” respectively for “55”, “110”, “55”, “27.50”, “55” respectively.

Signed by authority of the Secretary of State

11th June 1991

Patrick McLoughlin
Parliamentary Under-Secretary of State,
Department of Transport

⁽¹⁰⁾ S.I. 1991/1341.

⁽¹¹⁾ S.I. 1991/1342.

We consent to and approve the making of these Regulations.

13th June 1991

Thomas Sackville
Nicholas Baker
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Fees) Regulations 1991 consequent on the delegation of radio survey work to British Telecommunications plc by the Merchant Shipping (Radio and Radio-Navigational Equipment Survey) Regulations 1991 and the Fishing Vessels (Safety Provisions) (Amendment) Rules 1991. The fees for the work involved leading to the issue of a certificate (including the issue itself) is to be charged at an hourly rate of £44, together with a fixed fee of £72 for fishing vessels, and £88 for other ships, in place of an hourly rate only of £55. Where the survey is performed abroad by a locally appointed surveyor, a separate charge at the hourly rate is made for the issue of a certificate.

The Regulations also provide for a fee for exemptions from the Regulations and Rules involved, make provision as to rounding up of periods of work of less than an hour, and correct a mistake in the table of charges for tonnage measurement.