

SCHEDULES

SCHEDULE 4

PRE-CONSOLIDATION AMENDMENTS

Lighthouses, etc

- 35 Omit sections 47 and 48 of the Malicious Damage Act 1861 (offences relating to false signals and damage, removal or concealment of buoys and other sea marks).
- 36 In section 634(1) of the 1894 Act (areas for which general lighthouse authorities exercise functions) omit “and the Channel Islands”, “and at Gibraltar” and “and the Isle of Man”.
- 37 In section 638 of the 1894 Act (general powers of lighthouse authorities), at the end, insert—
- “Any reference in this Part of this Act to a lighthouse, buoy or beacon includes its appurtenances.”.
- 38 In section 639(1) of the 1894 Act (land acquisition powers), for the words from “and for that purpose” to the end, substitute—
- “(1A) For the purpose of the acquisition of land by a general lighthouse authority under subsection (1) above the following provisions shall apply—
- (a) if the land is in England and Wales, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) except sections 4 to 8, 27 and 31;
 - (b) if the land is in Scotland, the provisions of the Lands Clauses Acts (so far as applicable) except sections 120 to 125, 127, 142 and 143 of the Lands Clauses Consolidation (Scotland) Act 1845;
 - (c) if the land is in Northern Ireland, the provisions of the Land Clauses Acts (so far as applicable) except sections 16 to 18, 19, 20, 92 to 94, 123, 127 to 132, 150 and 151 of the Lands Clauses Consolidation Act 1845.”.
- 39 In section 642 of the 1894 Act (additions to lighthouses), insert “or beacon” after “light” in both places where it occurs.
- 40 In section 643 of the 1894 Act (general light dues), at the beginning, insert—
- “A general lighthouse authority may demand, take and recover dues in respect of lighthouses, buoys and beacons under their management (in this Part of this Act called light dues) in accordance with the following provisions of this Part of this Act and for that purpose appoint persons to collect them.”.
- 41 After section 643 of the 1894 Act insert—

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“643A Information to determine light dues.

- (1) A general lighthouse authority may, for the purpose of determining whether any and, if so, what light dues are payable in respect of any ship, require any relevant authority or any person who is liable to pay light dues in respect of the ship, to furnish to the general lighthouse authority such information in that authority's or person's possession or control relating to the arrival or departure of the ship at or from any port within their area as they may reasonably require for that purpose.
- (2) A general lighthouse authority may require any relevant authority to furnish to them such information in the relevant authority's possession or control relating to the movements within the relevant authority's area of ships or ships of any class or description for the purpose of determining whether any and, if so, what light dues are payable in respect of the ships.
- (3) The powers conferred on a general lighthouse authority by subsections (1) and (2) above shall also be available to the person appointed by them to collect dues at a port.
- (4) It shall be the duty of a relevant authority or person of whom a requirement for information is made under subsection (1), (2) or (3) above to furnish information as soon as is reasonably practicable.
- (5) In this section “relevant authority” means—
 - (a) a harbour authority;
 - (b) the Commissioners of Customs and Excise; and
 - (c) a conservancy authority.”.

42 For section 647 of the 1894 Act (light dues tables and regulations to be posted up in customs houses) substitute—

“647 Availability of light dues regulations for inspection.

A copy of the regulations in force under section 5(2) of the Merchant Shipping (Mercantile Marine Fund) Act 1898 (as substituted by section 36(2) of the Merchant Shipping Act 1979) in respect of light dues shall be kept at—

- (a) the principal office of the general lighthouse authority, and
- (b) the office of the appointed collector at every port where such dues are collected;

and shall be open for inspection there during reasonable hours by any person without charge.”.

43 In section 648(3) of the 1894 Act (accounts of light dues), for “and the authority receiving the dues” substitute “(4) A general lighthouse authority receiving dues (whether themselves or from a collector)”.

44 In section 649 of the 1894 Act (recovery of light dues)—

- (a) in subsection (1), after “dues may” insert “, except in Scotland,”; and
- (b) after subsection (1) insert—

“(1A) In Scotland light dues shall, for the purposes of their recovery, be regarded as a debt due to the general lighthouse authority.”.

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- 45 In section 650 of the 1894 Act (distress on ship for light dues)—
- (a) in subsection (1), omit “guns”;
 - (b) in subsection (2)—
 - (i) for “three” substitute “five”; and
 - (ii) for “appraised by two sufficient persons or sworn appraisers, and thereupon sell the same” substitute “independently appraised and thereupon sold by public auction”; and
 - (c) at end add—

“(3) This section does not apply to Scotland.”.
- 46 In section 651 of the 1894 Act (detention of ship pending production of receipt for light dues)—
- (a) for the words from “by the person” to “paying the same” substitute “to the person paying them by the authority or person receiving them from him”; and
 - (b) for the words from “where” to “for the light dues” substitute “until the receipt for any dues due in respect of the ship” and at the end insert “or the person appointed to collect light dues at the port”.
- 47 Section 655 of the 1894 Act (local light dues) shall, so far as it extends to Northern Ireland, cease to have effect.
- 48 In section 656(2) of the 1894 Act (account of local light dues), omit the words from “and shall” (where first occurring) to the end.
- 49 In section 664 of the 1894 Act (accounts of general lighthouse authorities)—
- (a) for “their receipts from light dues” substitute “the light dues and other sums received by or accruing to them by virtue of, or in connection with, the discharge of their functions under this Part of this Act or Part IX of this Act”; and
 - (b) for “books of account” substitute “accounting records”.
- 50 For section 666(1) of the 1894 Act (offence of damaging, etc. lighthouses, etc.) substitute—
- “(1) A person who, without lawful authority—
- (a) intentionally or recklessly damages—
 - (i) any lighthouse or the lights exhibited in it, or
 - (ii) any lightship, buoy or beacon;
 - (b) removes, casts adrift or sinks any lightship, buoy or beacon; or
 - (c) conceals or obscures any lighthouse, buoy or beacon;
- commits an offence.
- (1A) A person who, without reasonable excuse,—
- (a) rides by,
 - (b) makes fast to, or
 - (c) runs foul of,
- any lightship, buoy or beacon commits an offence.”.
- 51 In section 667 of the 1894 Act (prevention of false lights)—
- (a) omit “fire” and “burnt” wherever occurring together with the word “or” in conjunction with those words;

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- (b) in subsection (4), after “damage; and” insert “, except in Scotland.”; and
- (c) after subsection (4) add—

“(4A) In Scotland any such expenses as are mentioned in subsection (4) above shall, for the purposes of their recovery, be regarded as a debt due by the owner or person on whom the notice has been served to the general lighthouse authority.”.

- 52 Omit section 669 of the 1894 Act (restriction on exercise of powers in Channel Islands).
- 53 For section 679 of the 1894 Act (auditing and laying before Parliament of accounts of General Lighthouse Fund) substitute—

“679 Auditing and laying before Parliament of accounts of General Lighthouse Fund.

- (1) The accounts of the General Lighthouse Fund for each year shall be examined by the Comptroller and Auditor General who shall send a copy of the accounts certified by him to the Secretary of State.
- (2) The Secretary of State shall lay copies of the accounts before each House of Parliament.”.

- 54 In the Merchant Shipping (Mercantile Marine Fund) Act 1898 omit the following provisions (relating to colonial lights)—
 - (a) in section 2, subsections (3), (4) and (5);
 - (b) section 7; and
 - (c) in Schedule 3, the entry for the lighthouse on Cape Pembroke, Falkland Islands.
- 55 In section 30(2) of the Harbours Act 1964 (list of charges to be available to the public at price not exceeding 5p) for “a price not exceeding 5p. for each copy” substitute “such reasonable price (if any) as the authority determine”.