



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART VIII

#### LIGHTHOUSES

##### *Financial and administrative provisions*

#### **211 General Lighthouse Fund: expenses and receipts.**

- (1) There shall continue to be a fund called the General Lighthouse Fund administered by the Secretary of State.
- (2) The following shall be paid out of that Fund—
  - (a) any expenses incurred by general lighthouse authorities in connection with the discharge of their functions under this Part and, in the case of the Commissioners of Irish Lights as respects their functions in the Republic of Ireland, under the corresponding Part of the 1894 Act, subject, however, to section 213;
  - (b) any expenses (whether of a capital nature or not) incurred by the Secretary of State in pursuance of any international agreement relating to the provision of an electronic position-fixing system intended as an aid to the navigation of ships or incurred by him preliminary to his entering into such an agreement;
  - (c) such sums as the Secretary of State may determine as sums appearing to him to represent the amount or estimated amount of any expenses incurred or likely to be incurred by him in connection with the administration of the Fund;
  - (d) any expenses incurred by the Secretary of State in maintaining the Sombrero lighthouse in the Leeward Islands;
  - (e) any other sums made payable out of the Fund by any other provision of this Part or Part IX.
- (3) The following shall be paid into that Fund—
  - (a) all general light dues and other sums received by or accruing to any of the general lighthouse authorities by virtue of, or in connection with the discharge

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of their functions under, this Part and, in the case of the Commissioners of Irish Lights as respects their functions in the Republic of Ireland, under the corresponding Part of the 1894 Act;

- (b) any sums received by the Secretary of State in pursuance of any such agreement as is mentioned in subsection (2)(b) above in respect of—
    - (i) expenses incurred by him in pursuance of the agreement, or
    - (ii) expenses incurred by any of the general lighthouse authorities which, by virtue of subsection (2) above, are payable out of the Fund;
  - (c) any other sums made payable into the Fund by any other provision of this Part or Part IX.
- (4) The accounts of the 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.
- (5) The Secretary of State shall lay copies of the accounts before each House of Parliament.

## **212 Establishments of general lighthouse authorities.**

- (1) The Secretary of State may determine—
- (a) the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses, buoys and beacons;
  - (b) the annual or other sums to be paid out of the General Lighthouse Fund in respect of those establishments or to members of the general lighthouse authority for England and Wales.
- (2) If it appears that any part of the establishments of the general lighthouse authorities is maintained for other purposes as well as for the purposes of their duties as general lighthouse authorities, the Secretary of State may determine the portion of the expenses of those establishments to be paid out of the General Lighthouse Fund.
- (3) An increase in any establishment or part of an establishment determined under this section shall not be made without the consent of the Secretary of State.

## **213 Estimates or accounts of expenses to Secretary of State.**

- (1) An expense of a general lighthouse authority in respect of the services of lighthouses, buoys and beacons shall not be paid out of the General Lighthouse Fund, or allowed in account, unless—
- (a) it has been allowed as part of the establishment expenses under section 212; or
  - (b) an estimate or account of it has been approved by the Secretary of State.
- (2) For the purpose of approval by the Secretary of State, each of the general lighthouse authorities shall, except as provided by subsection (3) below, submit to him an estimate of all expenses to be incurred by them in respect of lighthouses, buoys and beacons, other than expenses allowed under section 212 on account of their establishments.
- (3) In a case where it is necessary for a general lighthouse authority, in providing for any sudden emergency, to incur any such expense as is mentioned in subsection (2) above without waiting for the approval of the Secretary of State under that subsection, the authority shall as soon as possible submit to him a full account of the expense incurred.

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- (4) The Secretary of State shall consider any estimates and accounts submitted to him under this section and may approve them either with or without modification.

## 214 Pension rights of certain employees.

[<sup>F1</sup>(1)] There shall be payable to or in respect of persons whose salaries are paid out of the General Lighthouse Fund such pensions, allowances and gratuities as may be determined in accordance with—

- (a) in the case of such of those persons as are employed by the Secretary of State, arrangements made by him, and
- (b) in the case of other such persons, arrangements made by a general lighthouse authority and approved by the Secretary of State;

and those benefits shall be charged on and payable out of that Fund.

[<sup>F2</sup>(2) Where pensions, allowances and gratuities to or in respect of persons whose salaries are paid out of the General Lighthouse Fund are payable otherwise than under subsection (1), sums in respect of those benefits may with the approval of the Secretary of State be paid out of that Fund.]

### Textual Amendments

- F1** S. 214 renumbered as s. 214(1) (1.2.2014) by [Public Service Pensions Act 2013 \(c. 25\), s. 41\(2\), Sch. 8 para. 21\(2\)](#) (with [Sch. 11 para. 8](#)); S.I. 2013/2818, art. 5(b)
- F2** S. 214(2) inserted (1.2.2014) by [Public Service Pensions Act 2013 \(c. 25\), s. 41\(2\), Sch. 8 para. 21\(3\)](#) (with [Sch. 11 para. 8](#)); S.I. 2013/2818, art. 5(b)

## 215 Borrowing powers of general lighthouse authorities.

- (1) A general lighthouse authority may, with the consent of the Secretary of State and the Treasury, borrow money for the purpose of defraying any expenses incurred or to be incurred by the authority in connection with the discharge of their functions under this Part or Part IX.
- (2) A general lighthouse authority may, in connection with any advance to them under this section, mortgage any land or other property belonging to them.
- (3) Any sums payable by a general lighthouse authority under the terms of an advance under this section by way of principal, interest or otherwise shall be paid out of the General Lighthouse Fund.

## 216 Limit on borrowings under section 215.

- (1) The aggregate amount outstanding in respect of the principal of any sums borrowed under section 215 shall not at any time exceed £100 million.
- (2) The Secretary of State may, by order, with the approval of the Treasury, increase or further increase that limit, but not by more than £33 million at a time.
- (3) An order shall not be made under subsection (2) above unless a draft of the order has been laid before and approved by a resolution of the House of Commons.

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## **217 Guarantees by Secretary of State.**

- (1) The Secretary of State with the consent of the Treasury may guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal of, the payment of interest on, and the discharge of any other financial obligation in connection with, any sums borrowed by a general lighthouse authority under section 215.
- (2) Immediately after a guarantee is given under this section, the Secretary of State shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling a guarantee so given the Secretary of State shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Secretary of State for fulfilling any guarantee under this section shall be paid out of money provided by Parliament.
- (4) If any sums are issued in fulfilment of any guarantee given under this section there shall be made to the Secretary of State out of the General Lighthouse Fund, at such times and in such manner as the Secretary of State may determine with the consent of the Treasury, payments of such amounts as the Secretary of State may so determine in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Secretary of State may so determine.
- (5) The Secretary of State, with the consent of the Treasury, may vary or revoke any determination made by him under subsection (4) above.
- (6) Any sums received by the Secretary of State under subsection (4) above shall be paid into the Consolidated Fund.

## **218 Accounts of general lighthouse authorities.**

- (1) Each of the general lighthouse authorities shall account to the Secretary of State for the general 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 or Part IX and for their expenditure in respect of expenses paid out of the General Lighthouse Fund in such form, at such times, and with such details, explanations and vouchers as the Secretary of State requires.
- (2) Each of the general lighthouse authorities shall, when required by the Secretary of State, permit all accounting records kept by or under their respective direction to be inspected and examined by such persons as the Secretary of State appoints for the purpose.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 145(2)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 13\(2\)](#)
- s. 145(2)(a)(ia) words substituted by [2015 c. 2 Sch. 11 para. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2)(a)(ia) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)
- s. 145(2A) inserted by [2003 c. 44 Sch. 36 para. 13\(3\)](#)
- s. 145(2A) words substituted by [2015 c. 2 Sch. 11 para. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2A) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)