



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART VIII

#### LIGHTHOUSES

##### *Functions of general lighthouse authorities*

#### **195 General function of management of lighthouses, etc.**

- (1) Subject to the following provisions of this Part and to the powers and rights of any local lighthouse authority, the general lighthouse authorities shall have the superintendence and management of all lighthouses, buoys and beacons within their respective areas.
- (2) Subject to the following provisions of this Part, the general lighthouse authorities shall continue to hold and maintain all property vested in them at the commencement of this Act in the same manner and for the same purposes as before.

#### **196 Joint discharge of functions.**

- (1) Two or more general lighthouse authorities may discharge any of their functions jointly, and for that purpose—
  - (a) those authorities may share any part of their respective establishments; and
  - (b) any of them may, in the area of another and on that other's behalf, execute any works or do any other thing which the authority have power to execute or do in their own area;and any enactment relating to the functions in question or to the authorities by whom or the areas in which those functions are to be discharged shall be construed accordingly.
- (2) Any expenses incurred by any of the general lighthouse authorities in pursuance of this section shall be apportioned between that authority and the other authority or authorities concerned in such manner as may be agreed between them or (in default of agreement) determined by the Secretary of State.

---

*Changes to legislation:* Merchant Shipping Act 1995, Cross Heading: Functions of general lighthouse authorities is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

**197 General powers of general lighthouse authority.**

- (1) Subject to subsection (2) below, a general lighthouse authority shall, within their area, have power—
  - (a) to erect or place any lighthouse, with all requisite works, roads and appurtenances;
  - (b) to add to, alter, or remove any lighthouse;
  - (c) to erect or place any buoy or beacon, or alter or remove any buoy or beacon;
  - (d) to vary the character of any lighthouse or the mode of exhibiting lights therein.
- (2) A general lighthouse authority shall not in the area of a [<sup>F1</sup>statutory harbour authority]—
  - (a) erect or place any lighthouse, works, roads or appurtenances under subsection (1)(a) above, or
  - (b) erect or place any buoy or beacon under subsection (1)(c) above, except in pursuance of a direction given by the Secretary of State.
- (3) The Secretary of State may give such a direction to a general lighthouse authority if he considers it appropriate to do so in the interests of general navigation.
- (4) Where any improved light or beacon, or any siren or any description of fog signal has been added to an existing lighthouse, the light or beacon, siren or signal may, for the purposes of this Part, be treated as if it were a separate lighthouse.
- (5) A general lighthouse authority may acquire any land which may be necessary for—
  - (a) the exercise of their powers under subsection (1) above;
  - (b) the maintenance of their works; or
  - (c) the residence of the light keepers.
- (6) For the purposes of the acquisition of land by a general lighthouse authority under subsection (5) above the following provisions shall apply—
  - (a) if the land is in England and Wales, the provisions of Part I of the <sup>M1</sup>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 <sup>M2</sup>Lands Clauses Consolidation (Scotland) Act 1845;
  - (c) if the land is in Northern Ireland, the provisions of the Lands Clauses Acts (so far as applicable) except sections 16 to 20, 92 to 94, 123, 127 to 132, 150 and 151 of the <sup>M3</sup>Lands Clauses Consolidation Act 1845.
- (7) A general lighthouse authority may sell [<sup>F2</sup>or lease] any land belonging to them.
- <sup>F3</sup>(8) .....
- <sup>F3</sup>(9) .....
- <sup>F3</sup>(10) .....
- <sup>F3</sup>(11) .....

*Changes to legislation: Merchant Shipping Act 1995, Cross Heading: Functions of general lighthouse authorities is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

#### Textual Amendments

- F1** Words in s. 197(2) substituted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 7**; S.I. 1997/1539, art. 2, **Sch.**
- F2** Words in s. 197(7) inserted (17.7.1997) by 1997 c. 28, s. 19(1); S.I. 1997/1539, art. 2, **Sch.**
- F3** S. 197(8)-(11) omitted (26.6.2013) by virtue of Marine Navigation Act 2013 (c. 23), ss. 9(2), 13; S.I. 2013/1489, art. 2

#### Marginal Citations

- M1** 1965 c. 56.
- M2** 1845 c. 18.
- M3** 1845 c. 19.

### [<sup>F4</sup>197A General lighthouse authorities: commercial activities

- (1) A general lighthouse authority may enter into agreements—
  - (a) for the use by others of assets of the authority (“hire agreements”);
  - (b) for the provision of consultancy or other services by the authority (“service agreements”).
- (2) But an authority may enter into a hire or service agreement only if—
  - (a) they are satisfied that it is not likely to prejudice the discharge of their functions under section 195, and
  - (b) the Secretary of State consents.
- (3) Where an authority enter or seek to enter into hire or service agreements—
  - (a) expenditure of the authority incurred in connection with the agreements, and with the Secretary of State's consent, must be paid out of the General Lighthouse Fund, and
  - (b) sums received by the authority under the agreements must be paid into the General Lighthouse Fund.
- (4) The Secretary of State may consent to expenditure in acquiring an asset for the purpose of entering into hire agreements only if the Secretary of State thinks that the expenditure is merely preparatory or subsidiary to hire agreements in respect of other assets (such as in the case of acquiring one asset to be used with another or to be used in fitting, maintaining or converting another).
- (5) An authority must send a copy of any hire or service agreement to the Secretary of State.
- (6) Consent under this section—
  - (a) may be subject to conditions,
  - (b) may be general or specific, and
  - (c) may be prospective or retrospective.]

#### Textual Amendments

- F4** S. 197A inserted (26.6.2013) by Marine Navigation Act 2013 (c. 23), ss. 9(1), 13; S.I. 2013/1489, art. 2

---

*Changes to legislation: Merchant Shipping Act 1995, Cross Heading: Functions of general lighthouse authorities is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

## **198 Inspection of local lighthouses.**

- (1) It shall be the duty of the general lighthouse authority for any area, or of any person authorised by that authority for the purpose, to—
  - (a) inspect all lighthouses, buoys and beacons situated within their area but belonging to or under the management of any local lighthouse authority; and
  - (b) make such inquiries about them and their management as they think fit.
- (2) All officers and others having the care, or concerned in the management, of any such local lighthouses, buoys or beacons shall furnish all such information and explanations concerning them as the general lighthouse authority require.
- (3) All local lighthouse authorities and their officers shall give to the general lighthouse authority all such returns, explanations or information concerning the lighthouses, buoys and beacons under their management and the management of them as the general lighthouse authority may require.
- (4) The general lighthouse authority shall—
  - (a) communicate to each local lighthouse authority the results of their inspection of their lighthouses, buoys and beacons; and
  - (b) make to the Secretary of State general reports of the results of the inspection of local lighthouses, buoys and beacons.

## **199 Control of local lighthouse authorities.**

- (1) A general lighthouse authority may, within their area, with the consent of the Secretary of State, direct a local lighthouse authority to—
  - (a) lay down buoys;
  - (b) remove or discontinue any lighthouse, buoy or beacon; or
  - (c) make any variation in the character of any lighthouse, buoy or beacon or in the mode of exhibiting lights in any lighthouse, buoy or beacon;but the authority shall not give a direction without first giving due notice of their intention to do so.
- (2) A local lighthouse authority shall not, without the consent of the general lighthouse authority,—
  - (a) erect or place any lighthouse, buoy or beacon;
  - (b) remove or discontinue any lighthouse, buoy or beacon;
  - (c) vary the character of any lighthouse, buoy or beacon or the mode of exhibiting lights in any lighthouse, buoy or beacon.
- (3) A direction under subsection (1) above shall be given in writing; and it shall be the duty of a local lighthouse authority to whom such a direction is given to comply with it.
- (4) Nothing in this section shall apply to local buoys and beacons placed or erected for temporary purposes.

**Changes to legislation:**

Merchant Shipping Act 1995, Cross Heading: Functions of general lighthouse authorities is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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.)