

SCHEDULES

SCHEDULE 2

Section 13.

FUNDING OF MARITIME SERVICES

1 After section 302 of the 1995 Act there is inserted—

“302A Funding of maritime services

Schedule 11A (funding of maritime services) shall have effect.”

2 After Schedule 11 to the 1995 Act there is inserted—

“SCHEDULE 11A

FUNDING OF MARITIME SERVICES

Interpretation

1 In this Schedule—

“general light dues” and “general lighthouse authority” have the same meaning as in Part VIII of this Act;
“prescribe” means prescribe by regulations.

Charges in respect of maritime matters

2 (1) Regulations under this Schedule may make provision imposing charges for the purpose of recovering the whole or a part of the costs incurred by the Secretary of State in connection with his maritime functions.

(2) In sub-paragraph (1) above “maritime functions” means—

- (a) functions conferred by or under any provision of this Act apart from Part II or Part VIII,
- (b) functions under any international agreement relating to—
 - (i) the safety of ships,
 - (ii) the prevention of pollution from ships, or
 - (iii) living and working conditions on board ships, and
- (c) other functions relating to the promotion of the safety of ships.

Charges relating to expenses payable out of General Lighthouse Fund

3 (1) If—

- (a) any Community obligation, or
- (b) any international agreement made between any three or more countries including the Republic of Ireland and ratified by the United Kingdom,

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requires the United Kingdom to provide for any of the costs incurred by general lighthouse authorities in respect of lighthouses, buoys and beacons to be recovered otherwise than by means of the levying of general light dues in accordance with section 205 (as it has effect on the commencement of this Schedule), regulations under this Schedule may make provision imposing charges for the purposes of recovering all or any part of the costs required to be so recovered.

- (2) In this paragraph “buoys and beacons” includes equipment which is intended as an aid to the navigation of ships and, subject to that, expressions used in this paragraph and in Part VIII of this Act have the same meaning as in that Part.

Ships in respect of which charges may be imposed

- 4 (1) Regulations under this Schedule may not require a charge to be paid except in respect of—
- (a) a ship which has entered a port in the United Kingdom,
 - (b) a ship which is anchored off a port in the United Kingdom, or
 - (c) a ship which is anchored within 500 metres of an installation which is in United Kingdom waters or a part of the sea specified by virtue of section 129(2)(b).
- (2) Nothing in any regulations under this Schedule shall be construed as requiring a charge to be paid in respect of a qualifying foreign ship which is exercising—
- (a) the right of innocent passage, or
 - (b) the right of transit passage through straits used for international navigation,
- except to the extent that international law allows such a charge to be imposed.
- (3) Subject to sub-paragraphs (1) and (2) above, the regulations may impose a charge in respect of such description of ship as may be prescribed.
- (4) In particular—
- (a) regulations may impose a charge in respect of a ship even though no service has been provided or function exercised in the case of that ship; and
 - (b) regulations may provide that no charge is imposed in respect of a ship which does not exceed a prescribed tonnage or does not exceed a prescribed length.
- (5) For the purposes of sub-paragraph (1)(a) above, the circumstances in which a ship shall be regarded as entering a port in the United Kingdom include circumstances in which the ship enters any United Kingdom waters which are regulated or managed by a harbour authority.
- (6) In sub-paragraph (1)(c) above “installation” means an installation which—
- (a) is an offshore installation within the meaning of the Mineral Workings (Offshore Installations) Act 1971; or

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- (b) is to be taken to be an installation for the purposes of sections 21 to 23 of the Petroleum Act 1987.

Persons by whom charges to be paid

- 5 (1) Regulations under this Schedule may not require a charge to be paid in respect of a ship by a person who is not—
 - (a) the owner of the ship;
 - (b) the person registered as the owner of the ship;
 - (c) the operator of the ship;
 - (d) the manager of the ship;
 - (e) the charterer of the ship; or
 - (f) the agent of a person mentioned in any of paragraphs (a) to (e) above.
- (2) Subject to sub-paragraph (1) above, charges imposed by the regulations shall be payable by such persons as may be prescribed.

Amount of charges

- 6 (1) Regulations under this Schedule may impose a charge—
 - (a) of a fixed amount, or
 - (b) of an amount determined in accordance with the regulations, and may impose different charges in relation to ships of different descriptions or in different circumstances.
- (2) Regulations under this Schedule may, in particular, impose in respect of a ship a charge whose amount depends on—
 - (a) whether action has been or is being taken with a view to—
 - (i) enforcing international shipping standards in the case of that ship, or
 - (ii) preventing, reducing or minimising the effects of pollution from that ship; and
 - (b) if any such action has been or is being so taken, the nature of the action.
- (3) Regulations under this Schedule may, in particular, impose in respect of a ship a charge whose amount depends on the tonnage or length of the ship.

Powers to require information

- 7 (1) Regulations under this Schedule may include provision requiring any relevant authority or any person who is or may be liable to pay charges under the regulations in respect of a ship, to provide any collecting authority with such information as the collecting authority may reasonably require for the purposes of the regulations.
- (2) In this paragraph—
 - “collecting authority” means—
 - (a) the Secretary of State,

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- (b) a Departmental officer, and
 - (c) a general lighthouse authority;
- “relevant authority” means—
- (a) a harbour authority,
 - (b) the Commissioners of Customs and Excise, and
 - (c) a conservancy authority.

Disclosure of information

- 8 (1) No obligation as to secrecy or other restriction on the disclosure of information (whether imposed by statute or otherwise) shall prevent a Minister of the Crown or a Northern Ireland department from disclosing—
- (a) to the Secretary of State, or
 - (b) to a person appointed by the Secretary of State to collect charges under regulations made under this Schedule,
- information for the purpose of enabling or assisting the Secretary of State to perform his functions under the regulations.
- (2) Information obtained by any person by virtue of sub-paragraph (1) above shall not be disclosed by him to any other person except where the disclosure is made—
- (a) to a person falling within sub-paragraph (1)(a) or (b) above, or
 - (b) for the purposes of any legal proceedings arising out of the regulations.

Collection and recovery, etc.

- 9 (1) Regulations under this Schedule may make provision—
- (a) with respect to the collection and recovery of charges; and
 - (b) for charges which fall due under the regulations but which are not paid to carry interest.
- (2) Regulations made under this Schedule by virtue of sub-paragraph (1) above may in particular confer on general lighthouse authorities functions relating to the collection and recovery of charges.
- 10 Regulations under this Schedule may make provision for appeals against decisions that charges are due in respect of ships.

Distress

- 11 Regulations under this Schedule may make provision in respect of England and Wales and Northern Ireland—
- (a) for authorising distress to be levied on any ship in respect of which the owner or master has failed to pay charges due under the regulations, and on any goods, equipment or other thing belonging to, or on board, the ship,
 - (b) for the disposal of any ship, goods, equipment or other thing on which distress is levied in accordance with the regulations, and

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- (c) for the imposition and recovery of costs, charges, expenses and fees in connection with anything done under regulations made by virtue of paragraph (a) or (b) above.

Further powers in relation to General Lighthouse Fund etc

- 12 If regulations under this Schedule make any provision by virtue of paragraph 3 above, regulations under this Schedule may also—
- (a) provide for payments which, apart from the regulations, would fall to be made out of the General Lighthouse Fund to be made by the Secretary of State out of money provided by Parliament,
 - (b) provide for amounts which, apart from the regulations, would fall to be paid into the General Lighthouse Fund (other than general light dues levied in accordance with section 205) to be paid by the Secretary of State into the Consolidated Fund,
 - (c) provide for the payment out of money provided by Parliament into the General Lighthouse Fund of amounts representing the whole or part of any charges imposed by virtue of paragraph 3, and
 - (d) make such amendments, repeals or other modifications of any of the provisions of this Act relating to the General Lighthouse Fund or general light dues as appear to the Secretary of State to be necessary or expedient in consequence of, or in connection with, the provision made by virtue of paragraph 3 above or paragraph (a), (b) or (c) above.
- 13 If regulations under this Schedule make any provision by virtue of paragraph 9(2) above, regulations under this Schedule may also provide for the making by the Secretary of State to each general lighthouse authority out of money provided by Parliament of payments in respect of expenses incurred by that authority in connection with the collection or recovery of charges.

Supplementary

- 14 Regulations under this Schedule may include such transitional, incidental or supplementary provision as appears to the Secretary of State to be necessary or appropriate.
- 15 Any sums received in consequence of regulations under this Schedule shall be paid into the Consolidated Fund.
- 16 (1) Regulations under this Schedule shall be made by the Secretary of State with the consent of the Treasury.
- (2) Regulations shall not be made under this Schedule unless a draft of them has been laid before, and approved by a resolution of, the House of Commons.”