



STATUTORY INSTRUMENTS.

S.I. No. 297 of 2009



MERCHANT SHIPPING (LIGHT DUES) ORDER 2009

(Prn. A9/1067)

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I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by section 2 of the Merchant Shipping (Light Dues) Act 1983 (No. 18 of 1983), as adapted by the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) hereby order as follows:

1. (1) This Order may be cited as the Merchant Shipping (Light Dues) Order 2009.

(2) This Order shall come into operation on the 1st day of August 2009.

2. The Merchant Shipping (Mercantile Marine Fund) Act 1898, is hereby amended by the substitution for the Second Schedule (inserted by the Merchant Shipping (Light Dues) Order 2006 (S.I. No. 138 of 2006) of the following Schedule:

“SECOND SCHEDULE**LIGHT DUES****PART I****SCALE OF PAYMENTS****Payments per voyage**

1. (1) Subject to a minimum charge of €75 per voyage, a maximum charge of €19,950 per voyage, and to paragraph 1(2) below, ships, other than those liable to periodical payments, shall be liable to a charge per voyage of 57 cent per ton.

(2) Where a ship has paid dues under paragraph 1(1) in respect of a voyage it shall not be required to pay dues in respect of any subsequent voyage in any period of one month commencing with the last preceding relevant date.

(3) (a) For this purpose subject to subparagraph (b) below the relevant date means the date on which a ship arrives at a port or place on a voyage in respect of which light dues were paid or payable.

(b) There shall be no relevant date before the 1st of August 2009.

(4) In any year commencing on 1st April a ship shall not be required to make payments on account of light dues for more than 9 voyages in total.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th August, 2009.*

(5) A voyage of a ship shall be reckoned from port to port and a voyage which begins and ends at the same port without a call being made at any other port shall count as a single voyage.

(6) A dues payment on account of light dues made under paragraph 1(1) in any year shall not entitle the ship to—

- (a) any exemption from dues in accordance with the provisions of paragraph 1(2), or
- (b) any limitation of liability for dues in accordance with the provisions of paragraph 1(4)

beyond 30th April in the following year.

Periodical payments

2. In place of payments per voyage, there shall be the following periodical payments for the classes of ships mentioned below:

Tugs

(1) Either—

- (a) an annual payment per ship of €270 plus a payment of €30 for each metre of length in excess of 10 metres; or
- (b) two equal payments per ship of €150 plus payment of €20 for each metre in length in excess of 10 metres in respect of each of the six month periods commencing respectively on 1st April and 1st October.

(2) The annual payment for a new or newly registered tug shall be one twelfth of the appropriate annual rate in paragraph 2(1)(a) above for each month, or part of a month, of the year during which it is so registered, after the date of its first or new registration, subject to a minimum payment of €75.

(3) Where a tug (other than one covered by paragraph 2(2)) is not registered for a continuous period of more than three months the annual payment shall be one twelfth of the appropriate annual rate in paragraph 2(1)(a) of the scale for each month, or part of a month, of the year during which it is so registered, subject to a minimum payment of €75.

Pleasure craft

(4) An annual payment of €100, except that in the case of a pleasure craft which the general lighthouse authority is satisfied is ordinarily kept or used outside the State, Great Britain, Northern Ireland or the Isle of Man, the payment shall be €40 for each period of 30 days in respect of any visit, subject to the total payment in any year for such visit or visits not exceeding

the annual payment; any period of such visit comprising less than 30 days is to count as a 30 day period in such a visit.

(5) A new or newly registered pleasure craft shall pay €40 for each month or part of a month of the light dues year remaining, subject to such payment not exceeding the annual payment.

PART II

RULES

1. Dues payable under paragraph 1 of Part I of this Schedule and the payments referred to in Rule 4 below shall be tendered at the port where the liability arises except as the general lighthouse authority otherwise allows.

2. (a) The payments under paragraph 2 of Part I of this Schedule (other than those referred to in paragraph 2(1)(b) of Part I of this Schedule and in Rule 4 below) shall be payable within 28 days after service of an invoice for the amount of the payment by the general lighthouse authority or its authorised collector.

(b) The general lighthouse authority or its authorised collector may serve the invoice by post, and the said invoice shall be treated as duly served if served on any one of the registered owners appearing in the register at the commencement of the period to which the invoice relates or on a consignee or agent within the meaning of section 649 of the Merchant Shipping Act, 1894. An invoice shall be deemed to be properly addressed to a registered owner if it is addressed to him at the address for the time being recorded in relation to him in the register.

3. When issuing an invoice in respect of a tug the general lighthouse authority or its authorised collector shall inform the recipient of his right to elect to make payment by means of two equal payments under paragraph 2(1)(b) of Part I of this Schedule. Where the recipient makes a payment of the appropriate amount under the said subparagraph (b) within 28 days of the service of the invoice that subparagraph shall apply, otherwise he shall be liable to pay in accordance with Rule 2 above. If the recipient makes such a payment in respect of the period from 1st April in accordance with the said subparagraph (b) the remaining payment shall be payable within 28 days of the 1st of October.

4. (a) Any payment in respect of a visit as is referred to in paragraph 2(4) of Part I of this Schedule shall be payable at the commencement of the period in respect of which it is due.

(b) Any payment under paragraph 2(1)(a) or (b) of Part I of this Schedule in respect of a tug which the general lighthouse authority is satisfied is ordinarily registered and kept outside the State,

Great Britain, Northern Ireland or the Isle of Man shall be payable at the commencement of the first visit in the period to which it relates by the ship to a port in the State.

5. For the purposes of this Schedule—

- (a) a ship's tonnage shall be its net tonnage assessed in accordance with the International Convention on Tonnage Measurement of Ships, 1969, done at London on the 23rd day of June, 1969, and entered on its International Tonnage Certificate (1969) or, if this certificate is not available for any reason, the ship's gross registered tonnage or, in the case of an unregistered ship or a ship measured only by length, the tonnage reckoned in accordance with the Thames Measurement adopted by Lloyds Register;
- (b) a year shall be reckoned from 1st April; a month means a calendar month except in paragraph I of Part I of this Schedule where it means a month commencing with the relevant date;
- (c) in calculating any payment of light dues where the ship's tonnage is not a multiple of one ton any excess not exceeding half a ton shall be rounded down and any excess over half a ton shall be rounded up to the nearest ton;
- (d) 'length' in relation to a tug means the registered length shown in the ship's certificate of registry and in relation to such a ship having no registered length, means the length which would be the registered length if the ship were registered under the Merchant Shipping Act, 1894, provided that in calculating any payment of light dues where a tug's length is not a multiple of one metre, any excess not exceeding half a metre shall be rounded down and any excess over half a metre shall be rounded up to the nearest such metre except in the case of a ship with a length of less than 10 metres;
- (e) 'harbour authority' means—
 - (i) in the case of a harbour to which the Harbours Act, 1946 (No. 9 of 1946) applies, a harbour authority within the meaning of that Act,
 - (ii) in the case of a harbour under the management or control of a company established pursuant to section 7 of the Harbours Act, 1996 (No. 11 of 1996), such a company,
 - (iii) in the case of a fishery harbour centre to which the Fishery Harbour Centres Act, 1968, applies, the Minister for Agriculture, Fisheries and Food,
 - (iv) in the case of a harbour under the control of a local authority, the local authority concerned,

- (v) in the case of a harbour under the management of Iarnród Éireann — Irish Rail,
- (vi) in the case of a harbour under the management or control of any other person carrying on a trade consisting in whole or in part in the provision in the harbour concerned of such facilities and accommodation for vessels, goods and passengers as are ordinarily provided by a harbour authority (to which subparagraphs (i), (ii), (iii), (iv) or (v) apply) in a harbour in whole or in part under its management or control, that person;
- (f) ‘statutory authority’ means a body established by statute or pursuant to a requirement in or in exercise of a power conferred by statute;
- (g) ‘pleasure craft’ includes a pleasure yacht and means a vessel primarily used for sport or private recreation, and not engaged in any revenue earning or commercial activity or service.

6. Any ship (including a pleasure craft) subject to a periodical charge which is declared a total loss during a period for which it has paid or is liable to pay light dues, shall be deemed not to be liable to such dues from the last day of the month in which the said loss occurs; and such liability shall be reassessed on the proportion of the period prior to that date in accordance with paragraph 2(3) of Part I of this Schedule.

PART III

EXEMPTIONS

The following ships or vessels shall be exempted from dues under this Schedule—

- (1) Ships belonging to the Government or to a Minister of the Government or to a Sovereign foreign Government unless carrying cargo or passengers for freight or fares;
- (2) Ships of less than 20 tons, other than ships liable to pay dues by reference to their length;
- (3) Sailing ships used exclusively for sail training purposes, operating as travelling museums or vessels of historical interest;
- (4) Tugs of less than 10 metres in length;
- (5) Vessels for the time being employed in sea-fishing exclusive of vessels used for catching fish otherwise than for profit;
- (6) Ships putting in solely for bunkers, stores, crew changes, embarkation or disembarkation of pilots, a medical emergency, or for provisions for their

own use on board, unless they are otherwise engaged in any revenue earning or commercial activity or service;

(7) Ships putting in from stress of weather or because of damage or on voyages solely for the purpose of damage or running repairs, where they are not otherwise engaged in a revenue earning or commercial activity or service, provided they do not discharge or load cargo other than cargo discharged with a view to such repairs, and afterwards reshipped;

(8) Ships navigating solely and entirely within the limits of a harbour authority unless such limits include a lighthouse, buoy or visible beacon maintained by the general lighthouse authority at the expense of the General Lighthouse Fund;

(9) Any ship (including a pleasure craft) in respect of any year ending 31st March during the whole of which it is laid up: and in the case of any such ship which has opted to pay in two payments as provided for in paragraph 2(1)(b) of Part I of this Schedule, this exemption shall apply in respect of any period covered by such option, during the whole of which it is laid up;

(10) Vessels engaged solely in harbour maintenance, dredging, building or maintenance of sea defences or land reclamation on behalf of a statutory authority or harbour authority;

(11) Vessels solely engaged in pollution control prevention or recovery on behalf of a statutory authority;

(12) Vessels engaged solely in the transportation of sewerage water to spoil grounds by or on behalf of a statutory authority;

(13) Dumb barges, lighters, hulks or other vessels being towed which are specifically designed and built without a means of propulsion”.

3. The Merchant Shipping (Light Dues) Order, 2006 (S.I. No. 138 of 2006) is hereby revoked



GIVEN under my Official Seal,
29 July 2009.

NOEL DEMPSEY,
Minister for Transport.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order revokes and replaces the Merchant Shipping (Light Dues) Order, 2006. It increases the level of light dues levied on Merchant Shipping collected from vessels calling to ports within the State from 52 to 57 cents per ton from 1 August 2009.

In addition, from 1 August 2009 the Order increases the maximum number of voyages for which dues may be levied from 7 to 9 voyages in any one year.

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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