

MERCANTILE MARINE FUND

INTRODUCTION

This document contains all extant provisions of the Merchant Shipping Acts in relation to the Mercantile Marine Fund.

The **Index** lists, in chronological order, the relevant sections of all the Acts in question.

The next part takes each Act on the Index list and starting with the Merchant Shipping Act 1894, chronologically provides a consolidated and annotated text for the relevant parts of each Act, section by section, i.e. each section shows in *bold italics* any repeals, amendments, applications, extensions etc. to that section by any subsequent Act (references given), e.g.

Section 676 – Exception to Merchant Shipping (Mercantile Marine Fund) Act 1898

Please see Mercantile Marine Fund Appendix, page 1

The **Appendix** contains the full text of all relevant amendments, applications, extensions etc. as highlighted in *bold italics* in the main document.

MERCANTILE MARINE FUND

INDEX

Merchant Shipping Act 1894

PART XII

- 676. Sums payable to the Mercantile Marine Fund.
- 677. Application of Mercantile Marine Fund.
- 678. Repealed
- 679. Accounts and audit.

Mercantile Marine Fund Act 1898

- 1. Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.
- 2. Transfer of certain light dues and charges to General Lighthouse Fund.
- 3. Fees for registration, transfer, &c. of ships.
- 4. Repealed
- 5. Scale of light dues.
- 6. Repealed by the Statute Law Revision Act 1908.
- 7. Definitions.
- 8. Repealed by the Statute Law Revision Act 1908
- 9. Short title, construction, and commencement.

SCHEDULES.

MERCHANT SHIPPING ACT 1894

PART XII

Sums payable to the Mercantile Marine Fund

676. The common fund called the Mercantile Marine Fund shall continue to exist under that name, and subject to the provisions of this Act there shall be accounted for and paid to that fund -

- (a) all fees, charges, and expenses payable in respect of the survey or measurement of ships under this Act :
 - (b) all fees and other' sums (other than fines and forfeitures) received by the Board of Trade under the Second and Fifth Parts of this Act, including all fees payable in respect of, the medical inspection of seamen under the Second Part of this Act:
 - (c) the moneys arising from the unclaimed property of deceased seamen, except where the same are required to be paid as, directed by the Accountant-General of Her Majesty's Navy :
 - (d) any sums recovered by the Board of Trade in respect of expenses incurred in relation to distressed seamen and apprentices under the Second Part of this Act :
 - (e) all fees and other sums payable in respect of any services, performed by any person employed under the authority of the Third Part of this Act :
 - (f) all fees paid upon the engagement or discharge of members of the crews of fishing boats when effected before a superintendent:
 - (g) such proceeds of the sale of unclaimed wreck as are directed to be paid thereto during the lifetime of Her present Majesty under the Ninth Part of this Act :
 - (h) any fees received by receivers of wreck under the Ninth Part of this Act :
 - (i) all light dues or other sums received by or accruing to any of the, General Lighthouse Authorities ,under the Eleventh Part of this Act :
 - (k) all, costs and expenses ordered by the court to be paid to the Board of Trade in pursuance of the Boiler Explosions Acts,.
 - (l) any sums which under this or any other Act are directed to, be paid to the Mercantile Marine Fund.
- (2.) All fees mentioned in this section shall be paid at such time-and in such manner as the Board of Trade direct.

***Section 676 – Exception to Merchant Shipping (Mercantile Marine Fund) Act 1898
Please see Mercantile Marine Fund Appendix, page 1***

Application of Mercantile Marine Fund.

677. Subject to the provisions of this Act and to any prior charges that may be subsisting on the Mercantile Marine Fund under any Act of Parliament or otherwise there shall be charged on and payable out of that fund the following expenses so far as they are not paid by any private person: -

- (a.) The salaries and other expenses connected with local marine boards and mercantile. marine offices, and with the examinations conducted under the Second and Fourth Parts of this Act

- (b.) The salaries of all surveyors of ships and officers appointed under this Act and all expenses incurred in connexion with the survey and measurement of ships under this Act, and the remuneration of medical inspectors of seamen under the Second Part of This Act:
- (c.) The salaries and expenses of persons employed under the Third Part of this Act:
- (d.) The superannuation allowances, gratuities, pensions, and other allowances granted either before or after the passing of this Act to. any of the said surveyors, officers,, or persons :
- (e.) The allowances and expenses paid for the relief of distressed. British seamen and apprentices, including the expenses declared under this Act to be payable as such expenses, and any contributions to seamen's refuges and hospitals:
- (f) Any sums which the Board of Trade, in their discretion, think fit to pay in respect of claims to moneys carried to the Mercantile Marine Fund on account of the property of deceased seamen, or on account of the proceeds of wreck:
- (g.) All expenses of obtaining depositions, reports, and returns respecting wrecks and casualties:
- (h.) All expenses incurred in carrying into effect the provisions of this Act with regard to receivers of wrecks and the performance of their duties under this Act:
- (i.) All expenses incurred by the general lighthouse authorities. in the works and services of lighthouses, buoys, and beacons, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services :
- (k.) Any pensions or other sums payable in relation to the duties formerly performed by the Trinity House in respect of lastage and ballastage in the River Thames:
- (l.) Such expenses for establishing and maintaining on the coasts of the United Kingdom proper lifeboats with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of- shipwreck and distress at sea, and. for rewarding the preservation of life in such cases, as the Board of Trade direct:
- (m.) Such reasonable costs, as the Board of Trade may allow, of advertising or otherwise making known the establishment of, or alterations in, foreign lighthouses, buoys, and beacons to owners, and masters of, and other persons interested in British ships:
- (n.) All costs and expenses incurred by the Board of Trade under the Boiler Explosions Acts, 1882 and 1890 (so far as not otherwise provided for), including any remuneration paid in pursuance of section seven of the Boiler Explosions Act, 1882, and any costs and expenses ordered by the court in pursuance of those Acts to be paid by the Board of Trade
- (o.) Any expenses which are charged on or payable out of the Mercantile Marine Fund under this or any other Act of Parliament.

Section 677 – Exception in section 1(1) (b) of the Merchant Shipping (Mercantile Marine Fund) Act, 1898

Please see Please see Mercantile Marine Fund Appendix, page 1.

Section 678 – Repealed by the Merchant Shipping (Mercantile Marine Fund) Act 1898

Accounts and audit

679. - (1.) The accounts of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of section thirty-three of the Exchequer and Audit Departments Act, 1866, and shall be examined and audited accordingly.

(2.) The Board of Trade shall as soon as may be after the meeting of Parliament in every year cause the accounts of the Mercantile Marine Fund for the preceding year to be laid before both Houses of Parliament.

Section 679 – Construction in Merchant Shipping (Mercantile Marine Fund) Act 1898

Please see Mercantile Marine Fund Appendix, page 1.

MERCHANT SHIPPING (MERCANTILE MARINE FUND) ACT 1898

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund

1.—(1.) **[As from the commencement of this Act]—words in brackets repealed by the Statute Law Revision Act 1908**

(a .) All sums accounted for and paid to the Mercantile Marine Fund, except the light dues or other sums mentioned in paragraph (i) of section six hundred and seventy-six of the Merchant Shipping Act, 1894 , shall be paid into the Exchequer:

(b .) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c .) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

(2.) The General Lighthouse Fund shall be applied to the payment of the expenses by this Act charged thereon, and to no other purpose whatever.

(3.) **[The amount standing at the commencement of this Act to the credit of the Mercantile Marine Fund shall be carried to the credit of the General Lighthouse Fund, and] - words in brackets repealed by the Statute Law Revision Act 1898** the liabilities of the Mercantile Marine Fund **[existing at the commencement of this Act] - words in brackets repealed by the Statute Law Revision Act 1908** shall be discharged out of the General Lighthouse Fund.

Transfer of certain light dues and charges to General Lighthouse Fund.

2.—(1.) All colonial light dues shall, **[after the commencement of this Act] - words in brackets repealed by the Statute Law Revision Act 1908**, be carried to the General Lighthouse Fund, subject to the prior payment thereof of any sums payable on account of money secured on those dues at the commencement of this Act in accordance with the conditions on which the money is secured.

(2.) All sums which, at the commencement of this Act, are standing to the credit of the accounts kept by the Board of Trade with respect to colonial light dues (including any sum standing to the credit of the Basses Lights Fund), shall be transferred and paid to the General Lighthouse Fund, but shall remain subject to any existing charges thereon.

(3.) All expenses incurred in constructing or maintaining any colonial lights, and the contributions made by Her Majesty's Government in respect of the lighthouse on Cape Spartel, Morocco, shall, after the commencement of this Act, be paid out of the General Lighthouse Fund.

(4.) Sections six hundred and sixty-one, six hundred and sixty-two, and six hundred and sixty-three of the Merchant Shipping Act, 1894, (which relate to the advance and borrowing of money for the purpose of the construction and repair of lighthouses) shall apply in the case of colonial lights as they apply in the case of other lighthouses, buoys, or beacons.

(5.) All expenses incurred after the commencement of this Act by the Board of Trade or any of the general lighthouse authorities in making and maintaining communication between lighthouses and the shore shall be paid out of the General Lighthouse Fund. Provided that such communication shall be available for private messages at reasonable charges, so far as may be compatible with the efficiency and safety of the lighthouse service, and all sums received in respect thereof shall be paid to the General Lighthouse Fund.

Fees for registration, transfer, &c. of ship.

3. Such fees shall be paid in respect of the registration, transfer (including transmission), and mortgage of British ships as the Board of Trade, with the consent of the Treasury, determine, not exceeding those specified in the First Schedule to this Act, and all such fees shall be paid into the Exchequer. Provided that fees shall not be payable under this section in respect of vessels solely employed in fishing or sailing ships of under one hundred tons.

Power to recover expenses incurred on account of distressed seamen.

4. Repealed

Scale of light dues

5.—(1.) [On and after the commencement of this Act] - words in brackets repealed by the Statute Law Revision Act 1908 the general lighthouse authorities shall levy light dues with respect to the voyages made by ships or by way of periodical payment, and not with respect to the lights which a ship passes or from which it derives benefit, and the dues so levied shall take the place of the dues now levied by those authorities.

(2.) The scale and rules set out in the Second Schedule to this Act shall have effect for the purpose of the levying of light dues in pursuance of this Act, [but Her Majesty may, by Order in Council, alter, either generally or with respect to particular classes of cases, the scale or rules and the exemptions therefrom.] -words in brackets repealed by the Merchant Shipping (Light Dues) Act 1983

(3.) **Repealed by the Merchant Shipping (Light Dues) Act 1983.**

Allowance in respect of British boy sailors available for the Royal Naval Reserve

6. Repealed by the Statute Law Revision Act 1908.

Definitions

7. In this Act, unless the context otherwise requires—

The expression ‘colonial lights’ means any lighthouses, buoys, or beacons on or near the coast of a British possession and maintained by the Board of Trade out of moneys provided by Parliament or out of colonial light dues, and includes the lighthouses mentioned in the Third Schedule to this Act.

The expression ‘Basses Lights Fund’ means the fund referred to in section five of the Public Works Loans Act, 1887 , formed by the dues levied in respect of the Basses lights.

Other expressions have the same meaning as in the Merchant Shipping Act, 1894 .

This section shall continue in force until the thirty-first day of March one thousand nine hundred and five, and no longer, unless, Parliament otherwise enact.

Repeals

8. Repealed by the Statute Law Revision Act 1908

Short title, construction, and commencement

9.—(1.) This Act may be cited as the (Merchant Shipping (Mercantile Marine Fund) Act, 1898

(2.) This Act shall be construed as one with the Merchant Shipping Act, 1894, and that Act and the Merchant Shipping Act, 1897, the Merchant Shipping (Exemption from Pilotage) Act, 1897,

and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1898.

(3.) Repealed by the Statute Law Revision Act 1908

SCHEDULES.

FIRST SCHEDULE.

TABLE OF MAXIMUM FEES TO BE PAID ON THE REGISTRATION,
TRANSFER, AND MORTGAGE OF SHIPS.

1.—REGISTRATION.

1. On Initial Registry.

		s. d.
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	Vessels under 50 tons gross	1 0 0
	,, 50 to 100 ,,	1 10 0

	,, 100 to 200 ,,	2 0 0
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with 10 s. for every additional 100 tons, or fraction of a 100.

2.—TRANSFER AND MORTGAGE.

2. On Transfer, Transmission, Registry Anew, Transfer of Registry, Mortgage, and Transfer of Mortgage.

According to the gross tonnage represented by the ships or shares of ships transferred, &c. (*e.g.* , the transfer of a share in a ship of 6,400 tons to be reckoned as the transfer of 100 tons).

		s. d.
	Under 10 tons	0 2 6

	10 tons and under 20 tons	0 5 0
	20 ,, ,, 30 ,,	0 7 6

	30 ,, ,, 40 ,,	0 10 0
	40 ,, ,, 50 ,,	0 12 6

	50 ,, ,, 75 ,,	0 15 0
	75 ,, ,, 100 ,,	0 17 6

	100 ,, ,, 125 ,,	1 0 0
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and a further fee of 2 s. 6 d. for every additional 50 tons, or part of 50 tons, up to 500 tons, after which 2 s. 6 d. for every 100 tons, or part of 100 tons.

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 1997 ([S.I. No. 138 of 1997](#)), as amended by the Merchant Shipping (Light Dues) Order 1998 ([S.I. No. 138 of 1998](#))) 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 €22,400 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 56 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 or departs from a port or place on a voyage in respect of which light dues were paid or payable. In the case of coastwise voyage, the date of arrival shall determine the relevant date.

(b) There shall be no relevant date before the 1st of April 2002.

(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 7 voyages in total.

(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 the Marine and Natural Resources,

(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, Iarnród Éireann — Irish Rail, or

(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) Vessels (other than those subject to periodical payments) when navigating wholly and bona fide in ballast and not engaged in any other revenue earning, commercial or passenger carrying activity or service;
- (7) 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;
- (8) 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;
- (9) 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;

(10) 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;

(11) 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;

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

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

(14) Vessels putting in or departing in ballast for the purpose of modification, alteration, scrapping or departing as new buildings from a shipyard, not otherwise engaged in any other revenue earning or commercial activity or service;

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

SUBSTITUTIONS MADE TO SECOND SCHEDULE – PLEASE SEE MERCANTILE MARINE FUND APPENDIX PAGE 2.

THIRD SCHEDULE.

I.—Lighthouses maintained by the Board of Trade out of

Money voted by Parliament.

Bahamas. 11 Lighthouses as follows:—

Gun Cay. Abaco. Cay Sal. Great Isaacs. Cay Lobos. Elbow Cay. Great Stirrup Cay.
Castle Island. Inagua. Bird Rock. Watling Island. On Sombrero, one of the Leeward
Islands. Cape Pembroke, Falkland Islands.

II.—Lighthouses maintained by the Board of Trade out of Colonial Light Dues levied
under the Merchant Shipping Act, 1894.

Great Basses, Little Basses, off the Coast of Ceylon.

Barberyn, Dondra Head, on the Coast of Ceylon.

Minicoy Island, between the Laccadive and Maldivé Islands.

Fourth Schedule – Repealed