

Marine Navigation Aids Bill [HL]

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A

B I L L

TO

Establish a Marine Navigation Aids Commission; to establish an Office of Marine Navigation Aids Regulation; to amend the Merchant Shipping Act 1995; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Establishment of Marine Navigation Aids Commission

- (1) There shall be a body corporate known as the Marine Navigation Aids Commission ("the Commission"), funded by the General Lighthouse Fund.
- (2) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and its property shall not be regarded as property of, or held on behalf of, the Crown. 5
- (3) The purposes of the Commission shall be to—
 - (a) operate and maintain navigation aids in a safe and cost effective manner, and
 - (b) collect light dues, as defined in section 205(1) of the Merchant Shipping Act 1995 (c. 21), payable by ships entering English, Welsh, Scottish and Northern Irish waters. 10
- (4) At the commencement of this Act, the responsibilities of the general lighthouse authorities, as defined in section 193 (general and local lighthouse authorities) of the Merchant Shipping Act 1995, regarding the operation and maintenance of marine navigation aids, shall be transferred to the Marine Navigation Aids Commission. 15

2 Membership of Marine Navigation Aids Commission

- (1) The Secretary of State shall appoint—
 - (a) a chairperson of the Commission, 20
 - (b) in consultation with the chairperson, between nine and eleven other members of the Commission, at least four of whom should represent

- ship owners whose businesses contribute to the General Lighthouse Fund.
- (2) In making any appointment to membership of the Commission, the Secretary of State shall –
- (a) have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to the functions of the Commission; 5
 - (b) consult the Scottish Ministers, the Welsh Ministers and the Department of the Environment in Northern Ireland.
- (3) The Secretary of State may by order alter the number of members specified in subsection (1)(b). 10
- (4) An order made under subsection (3) shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 3 Chief executive of Commission 15**
- (1) The Marine Navigation Aids Commission shall, with the approval of the Secretary of State, appoint a chief executive.
- (2) A person appointed as chief executive of the Commission shall, if not already a member of the Commission, be appointed as a member.
- (3) The chief executive shall be responsible for the safe, effective and efficient operation of the Marine Navigation Aids Commission and shall report to the Office of Marine Navigation Aids Regulation. 20
- 4 Establishment of Office of Marine Navigation Aids Regulation**
- (1) There shall be a body corporate known as the Office of Marine Navigation Aids Regulation (“the Office”), funded by the General Lighthouse Fund. 25
- (2) The functions of the Office shall be to regulate the work of the Marine Navigation Aids Commission and, in particular, to –
- (a) ensure the safe provision of navigation aids in the United Kingdom by the Commission,
 - (b) ensure that navigation aids in the United Kingdom are maintained and operated in an efficient manner by the Commission, 30
 - (c) set the level of light dues payable by ships entering United Kingdom waters to the Marine Navigation Aids Commission, and
 - (d) administer the General Lighthouse Fund.
- (3) The Office shall commission any relevant research which it deems necessary to enable it to carry out its functions under subsection (2). 35
- (4) At the request of the Office, the Marine Navigation Aids Commission must disclose any relevant information necessary for the Office to be able to carry out its functions under subsection (2).
- (5) The Office shall produce an annual report for the Secretary of State which shall outline how it has carried out the functions in subsection (2). 40

5 Membership of Office of Marine Navigation Aids Regulation

- (1) The Secretary of State shall appoint—
- (a) a chairperson of the Office,
 - (b) in consultation with the chairperson, at least four other members.
- (2) The chairperson or another member— 5
- (a) may not be appointed for a term of more than five years (but may be reappointed),
 - (b) may resign by notice in writing to the Secretary of State, and
 - (c) shall hold and vacate office in accordance with the terms of his appointment. 10
- (3) Before appointing a person as a member of the Office the Secretary of State must be satisfied that the person neither has nor is expected to acquire a financial or other personal interest which is likely to influence the performance of his functions as a member.
- (4) The Secretary of State may dismiss a member of the Office by notice in writing on the grounds that the member— 15
- (a) has been absent from meetings of the Office without permission of the Office during a period of more than three months,
 - (b) has a financial or other personal interest which is likely to influence the performance of his functions as a member, 20
 - (c) is the subject of a bankruptcy restrictions order (or interim order),
 - (d) has had his estate sequestrated in Scotland or, under Scots law, has made a composition or arrangement with, or granted a trust deed for, his creditors,
 - (e) has misbehaved, or 25
 - (f) is unable, unfit or unwilling to perform his functions as a member.
- (5) The Office shall appoint a Chief Executive, after—
- (a) consulting the Secretary of State, and
 - (b) obtaining the Treasury’s approval of the terms and conditions of appointment. 30

6 Interpretation

In this Act “navigation aids” includes lighthouses, buoys, beacons and any other aids which enable the safe navigation of marine vessels.

7 Areas

- Section 193 of the Merchant Shipping Act 1995 (c. 21) is amended as follows— 35
- (a) omit subsections (1) and (3),
 - (b) for subsection (4)(a) substitute— 40
 - “(a) in relation to the Marine Navigation Aids Commission, England, Wales, Scotland, Northern Ireland and the adjacent seas and islands;”
 - (c) for subsection (5) substitute—
 - “(5) The Marine Navigation Aids Commission is responsible for lighthouses in Gibraltar, the Channel Islands and the Isle of Man, and their surrounding seas.

- (6) In subsection (4)(a) references to the seas include seas in an area specified by virtue of section 129(2)(b)."

8 Commercial activities

- (1) The Merchant Shipping Act 1995 (c. 21) is amended as follows.
- (2) In section 197 omit subsections (8) to (11). 5
- (3) After section 197 insert –

“197A Commercial activities

- (1) The Marine Navigation Aids Commission may enter into agreements –
- (a) for the use by others of assets of the Commission (“hire agreements”); 10
 - (b) for the provision of consultancy or other services by the Commission (“service agreements”).
- (2) The Marine Navigation Aids Commission may not enter into a hire or service agreement unless –
- (a) it is satisfied that it is not likely to prejudice the discharge of its functions under section 195, and 15
 - (b) the Office of Marine Navigation Aids Regulation consents.
- (3) Where the Marine Navigation Aids Commission enters or seeks to enter into hire or service agreements –
- (a) expenditure of the Commission incurred in connection with the agreements, and with the Office’s consent, shall be paid out of the General Lighthouse Fund, and 20
 - (b) sums received by the Marine Navigation Aids Commission under the agreements shall be paid into the General Lighthouse Fund. 25
- (4) The Office of Marine Navigation Aids Regulation may consent to expenditure in acquiring an asset for the purpose of entering into hire agreements only if the Office 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). 30
- (5) The Marine Navigation Aids Commission shall send a copy of any hire or service agreement to the Office of Marine Navigation Aids Regulation.
- (6) Consent under this section – 35
- (a) may be subject to conditions,
 - (b) may be general or specific, and
 - (c) may be prospective or retrospective.”

9 Control

For section 199 of the Merchant Shipping Act 1995 (c. 21) substitute—

“199 Control of local lighthouses

- (1) The Marine Navigation Aids Commission may give directions to local lighthouse authorities about lighthouses, buoys and beacons. 5
- (2) A direction may in particular relate to—
 - (a) the erection or placing of lighthouses, buoys or beacons;
 - (b) their removal or discontinuance;
 - (c) their repair, maintenance or improvement;
 - (d) the manner in which they are operated. 10
- (3) A direction may be given only with the consent (whether general or specific) of the Office of Marine Navigation Aids Regulation.
- (4) A local lighthouse authority must comply with directions under this section.
- (5) Failure to comply with a direction without reasonable excuse is an offence. 15
- (6) A local lighthouse authority may not without the consent of the Marine Navigation Aids Commission—
 - (a) erect or place any lighthouse, buoy or beacon,
 - (b) remove or discontinue any lighthouse, buoy or beacon, or 20
 - (c) vary the character of any lighthouse, buoy or beacon or the mode of exhibiting lights in any lighthouse, buoy or beacon.
- (7) Nothing in this section applies to local buoys or beacons placed or erected for temporary purposes.

199A Section 199 directions: supplementary 25

- (1) A direction under section 199 must be in writing.
- (2) Before giving a direction the Marine Navigation Aids Commission must—
 - (a) notify the relevant local lighthouse authority, and
 - (b) allow them a reasonable opportunity to make representations. 30
- (3) The Office of Marine Navigation Aids Regulation may withdraw consent under section 199(3).
- (4) If consent is withdrawn any direction made in reliance on it lapses (without prejudice to its validity until then).
- (5) Local lighthouse authorities guilty of the offence under section 199(5) are liable on summary conviction to a fine not exceeding level 5 on the standard scale.” 35

10 General light dues to be paid by ships belonging to Her Majesty

In section 205 of the Merchant Shipping Act 1995 omit subsection (4)(a).

11 Administration of the General Lighthouse Fund

- (1) Section 211 of the Merchant Shipping Act 1995 (c. 21) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “Office of Marine Navigation Aids Regulation”.
- (3) In subsection (2) – 5
- (a) for paragraph (a) substitute –
- “(a) any expenses incurred by the Marine Navigation Aids Commission and the Office of Marine Navigation Aids Regulation in connection with the discharge of their functions;” 10
- (b) for paragraph (c) substitute –
- “(c) such sums as the Office of Marine Navigation Aids Regulation may determine as sums appearing to it to represent the amount or estimated amount of any expenses incurred or likely to be incurred by it in connection with the administration of the Fund;” 15
- (4) In subsection (3) –
- (a) for paragraph (a) substitute –
- “(a) all general light dues and other sums received by or accruing to the Marine Navigation Aids Commission by virtue of, or in connection with, the discharge of its functions;” 20
- (b) for paragraph (b) substitute –
- “(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 – 25
- (i) expenses incurred by him in pursuance of the agreement, or
- (ii) expenses incurred by the Marine Navigation Aids Commission which, by virtue of subsection (2) above, are payable out of that Fund;” 30

12 General Lighthouse Fund: Pensions

In the Merchant Shipping Act 1995 for section 214 substitute –

“214 General Lighthouse Fund: pensions

- (1) There shall be payable to or in respect of persons whose salaries are or were paid out of the General Lighthouse Fund such pensions as may be determined in accordance with – 35
- (a) in the case of such of those persons as are employed by the Office of Marine Navigation Aids Regulation, arrangements made by the Office, and 40
- (b) in the case of other such persons, arrangements made by the Marine Navigation Aids Commission and approved by the Secretary of State;
- and those benefits shall be charged on and payable out of that Fund.

- (2) The Secretary of State shall make arrangements for part of the General Lighthouse Fund to be allocated for the payment of pensions (and to be unavailable for other purposes). In particular, the arrangements –
- (a) shall provide for the allocation of sums paid into the Fund by way of pension contributions after commencement of the arrangements, and 5
 - (b) may provide for the allocation of other sums paid into the Fund (whether or not by way of pension contributions and whether paid before or after commencement of the arrangements).
- (3) The Secretary of State may by order make arrangements for pensions in respect of persons whose salaries are or were paid out of the General Lighthouse Fund to be paid otherwise than out of the Fund. 10
- (4) An order under subsection (3) –
- (a) may establish a pensions scheme and may, in particular, include provision – 15
 - (i) for the appointment and tenure of trustees;
 - (ii) for conferring other discretionary functions on the Secretary of State or on one or more specified persons;
 - (iii) about winding up the scheme,
 - (b) may amend the list in Schedule 1 to the Superannuation Act 1972 (and make other incidental amendments of that Act), 20
 - (c) may include incidental, consequential or transitional provisions which may, in particular, include –
 - (i) provision about the payment of contributions;
 - (ii) provision transferring or otherwise relating to sums allocated in accordance with subsection (2); 25
 - (iii) consequential amendment of a provision of this Act, including section 211 and this section, and
 - (d) may apply generally or only in relation to specified cases or circumstances and may make different provision for different cases or circumstances. 30
- (5) In this section “pensions” includes allowances and gratuities.”

13 Amendments to the Merchant Shipping Act 1995

- (1) At the commencement of this Act, the responsibilities of the Secretary of State and of the general lighthouse authorities, as defined in section 193 (general and local lighthouse authorities) of the Merchant Shipping Act 1995 (c. 21), regarding the operation and maintenance of marine navigation aids in the United Kingdom, shall be transferred to the Marine Navigation Aids Commission or the Office of Marine Navigation Aids Regulation. 35
- (2) The Schedule contains minor and consequential amendments in relation to the transfer of those responsibilities. 40

14 Short title, commencement and extent

- (1) This Act may be cited as the Marine Navigation Aids Act 2009.
- (2) The provisions of this Act shall come into force on such day or days as the Secretary of State may by order made by statutory instrument appoint. 45

- (3) The provisions of this Act extend to the United Kingdom.

SCHEDULE

Section 13

TRANSFER OF RESPONSIBILITIES TO THE MARINE NAVIGATION AIDS COMMISSION AND THE OFFICE OF MARINE NAVIGATION AIDS REGULATION: MINOR AND CONSEQUENTIAL AMENDMENTS

- | | | |
|---|--|----|
| 1 | The Merchant Shipping Act 1995 (c. 21) is amended as follows. | 5 |
| 2 | Omit sections 195(2), 196 and 205(7). | |
| 3 | For section 194 substitute – | |
| | “194 Returns and information to the Office of Marine Navigation Aids Regulation | |
| | The Marine Navigation Aids Commission shall give to the Office of Marine Navigation Aids Regulation all such returns, explanations or information in relation to the navigation aids within its area and its management as the Office requires.” | 10 |
| 4 | In section 195(1) – | |
| | (a) for “general lighthouse authorities” substitute “Marine Navigation Aids Commission”; | 15 |
| | (b) omit “within their respective areas”. | |
| 5 | For section 197 substitute – | |
| | “197 General powers of the Marine Navigation Aids Commission | |
| | (1) Subject to subsection (2) below, and the approval of the Office of Marine Navigation Aids Regulation, the Marine Navigation Aids Commission shall have power – | 20 |
| | (a) to erect or place any lighthouse, with all requisite works, roads and appurtenances; | |
| | (b) to add to, alter, or remove any lighthouse; | 25 |
| | (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) The Marine Navigation Aids Commission shall not in the area of a statutory harbour authority – | 30 |
| | (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, | 35 |
| | except in pursuance of a direction given by the Office of Marine Navigation Aids Regulation. | |
| | (3) The Office of Marine Navigation Aids Regulation may give such direction to the Marine Navigation Aids Commission if it considers it appropriate to do so in the interests of general navigation. | 40 |

-
- (4) Where any improved light or beacon, or any siren or any description of fog signal has been added to an existing lighthouse, the buoy or beacon, siren or signal may, for the purposes of this Part, be treated as if it were a separate lighthouse.
- (5) The Marine Navigation Aids Commission may acquire any land which may be necessary for – 5
- (a) the exercise of its powers under subsection (1) above;
 - (b) the maintenance of its works; or
 - (c) the residence of the light keepers.
- (6) For the purposes of the acquisition of land by the Marine Navigation Aids Commission under subsection (5) above the following provisions shall apply – 10
- (a) if the land is in England and Wales, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) except sections 4 to 8, 27 and 31; 15
 - (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 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 Lands Clauses Consolidation Act 1845. 20
- (7) The Marine Navigation Aids Commission may sell or lease any land belonging to it.” 25
- 6 Section 198 is amended as follows –
- (a) in subsection (1) for “general lighthouse authority for any area, or of any person authorised by that authority” substitute “Office of Marine Navigation Aids Regulation, or any person authorised by the Office”; 30
 - (b) in paragraph (1)(a) for “their” substitute “its”;
 - (c) in subsection (2) for “general lighthouse authority require” substitute “Office of Marine Navigation Aids Regulation requires”;
 - (d) in subsection (3) for “general lighthouse authority” in both places substitute “Office of Marine Navigation Aids Regulation”; 35
 - (e) in subsection (4) for “general lighthouse authority” substitute “Office of Marine Navigation Aids Regulation”.
- 7 In section 200(1) –
- (a) for “Secretary of State” substitute “Office of Marine Navigation Aids Regulation”; 40
 - (b) for “a general lighthouse authority” substitute “the Marine Navigation Aids Commission”;
 - (c) for “him” substitute “it”.
- 8 For section 203 substitute –
- “203 Individual transfers of local lighthouses to harbour authorities** 45
- The Marine Navigation Aids Commission may, at any time, with the consent of the Office of Marine Navigation Aids Regulation, transfer

- to a statutory harbour authority any lighthouse, buoy or beacon held by it which –
- (a) is situated in the area of that harbour authority or on land adjacent to that area or any part of it; and
 - (b) appears to the Marine Navigation Aids Commission to be of benefit solely or mainly to ships within, or entering or leaving, that harbour authority’s area.” 5
- 9 For section 204 substitute –
- “204 Surrender of local lighthouses**
- (1) A local lighthouse authority may, if they think fit, surrender or sell any lighthouse, buoy or beacon held by them to the Marine Navigation Aids Commission and the Commission may, with the consent of the Office of Marine Navigation Aids Regulation, accept or purchase it. 10
 - (2) The Office of Marine Navigation Aids Regulation shall not give its consent for the purposes of subsection (1) above in any case where the local lighthouse authority concerned are a statutory harbour authority unless it considers that the maintenance of the lighthouse, buoy or beacon in question is in the interests of general navigation.” 15
- 10 For sections 205(1) and (2) substitute – 20
- “(1) This section applies to dues leviable by the Marine Navigation Aids Commission in respect of lighthouses, buoys or beacons under its management (in this Part called “general light dues”).
 - (2) The Marine Navigation Aids Commission may demand, take and recover general light dues in accordance with this section and for that purpose appoint persons to collect them.” 25
- 11 In section 205(6)(a) for “general lighthouse authority” substitute “Marine Navigation Aids Commission”.
- 12 For sections 205(8) and (9) substitute –
- “(8) Any person appointed by the Marine Navigation Aids Commission to collect general light dues shall pay over to the Commission, or as the Commission directs, the whole of the general light dues received by him. 30
 - (9) The Marine Navigation Aids Commission receiving dues (whether itself or from a collector) shall keep accounts of the dues and shall cause the dues to be remitted to the Office of Marine Navigation Aids Regulation or as it directs, and in such manner as it directs.” 35
- 13 For sections 206(1) to (3) substitute –
- “(1) The Marine Navigation Aids Commission may, for the purpose of determining whether any and, if so, what general light dues are payable in respect of any ship, require any relevant authority or any person who is liable to pay general light dues in respect of the ship, to furnish to the Commission such information in that authority’s or person’s possession or control relating to the arrival or departure of the ship at or from any port within its area as it may reasonably require for that purpose. 40 45

- (2) The Marine Navigation Aids Commission may require any relevant authority to furnish to it such information in the relevant authority’s possession or control relating to the movements within the relevant authority’s area of ships of any class or description for the purpose of determining whether any and, if so, what general light dues are payable in respect of the ships. 5
- (3) The powers conferred on the Marine Navigation Aids Commission by subsections (1) and (2) above shall also be available to the person appointed by it to collect dues at a port.”
- 14 In section 207(3) for “general lighthouse authority” substitute “Marine Navigation Aids Commission”. 10
- 15 In section 208(4) for “general lighthouse authority by whom he was appointed” substitute “Marine Navigation Aids Commission”.
- 16 In section 209(1) for “authority” substitute “Marine Navigation Aids Commission”. 15
- 17 In section 210(7) for “Secretary of State” substitute “Office of Marine Navigation Aids Regulation”.
- 18 For section 212 substitute –
- “212 Establishments of the Marine Navigation Aids Commission**
- (1) The Office of Marine Navigation Aids Regulation may determine – 20
- (a) the establishments to be maintained by the Marine Navigation Aids Commission 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. 25
- (2) If it appears that any part of the establishments of the Marine Navigation Aids Commission is maintained for other purposes as well as for the purposes of its duties under this Part, the Office of Marine Navigation Aids Regulation may determine the portion of the expenses of those establishments to be paid out of the General Lighthouse Fund. 30
- (3) An increase in any establishment or part of an establishment determined under this section shall not be made without the consent of the Office of the Marine Navigation Aids Regulation.”
- 19 For section 213 substitute – 35
- “213 Estimates or accounts of expenses to Office of Marine Navigation Aids Regulation**
- (1) An expense of the Marine Navigation Aids Commission 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 – 40
- (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 Office of Marine Navigation Aids Regulation.

- (2) For the purpose of approval by the Office of Marine Navigation Aids Regulation, the Marine Navigation Aids Commission shall, except as provided by subsection (3) below, submit to the Office an estimate of all expenses to be incurred by it in respect of lighthouses, buoys and beacons, other than expenses allowed under section 212 on account of its establishments. 5
- (3) In a case where it is necessary for the Marine Navigation Aids Commission, 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 Office of Marine Navigation Aids Regulation under that subsection, the Commission shall as soon as possible submit to the Office a full account of the expense incurred. 10
- (4) The Office of Marine Navigation Aids Regulation shall consider any estimates and accounts submitted to it under this section and may approve them either with or without modification.” 15
- 20 For section 215(1) substitute –
- “(1) The Marine Navigation Aids Commission may, with the consent of the Office of Marine Navigation Aids Regulation and the Treasury, borrow money for the purpose of defraying any expenses incurred or to be incurred by the Commission in connection with the discharge of its functions under this Part.” 20
- 21 In section 215(2) –
- (a) for “A general lighthouse authority” substitute “The Marine Navigation Aids Commission”;
- (b) for “them” in both places substitute “it”. 25
- 22 In section 215(3) for “a general lighthouse authority” substitute “the Marine Navigation Aids Commission”.
- 23 In section 217(1) –
- (a) for “Secretary of State” substitute “Office of Marine Navigation Aids Regulation”, 30
- (b) for “he” substitute “it”,
- (c) for “a general lighthouse authority” substitute “the Marine Navigation Aids Commission”.
- 24 For section 218 substitute –
- “218 Accounts of Marine Navigation Aids Commission” 35**
- (1) The Marine Navigation Aids Commission shall account to the Office of Marine Navigation Aids Regulation for the general light dues and other sums received by or accruing to it by virtue of, or in connection with, the discharge of its functions under this Part and for its 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 Office of Marine Navigation Aids Regulation requires. 40
- (2) The Marine Navigation Aids Commission shall, when required by the Office of Marine Navigation Aids Regulation, permit all accounting records kept by or under its direction to be inspected and examined by such persons as the Office appoints for the purpose.” 45

- 25 In section 220 –
- (a) in subsection (1) for “general lighthouse authority within whose area the place is situated,” substitute “Marine Navigation Aids Commission”,
 - (b) in subsection (5) for “general lighthouse authority” substitute “Marine Navigation Aids Commission”, 5
 - (c) for subsection (6) substitute –
 - “(6) Where the Marine Navigation Aids Commission incurs any expenses in exercising its powers under subsection (5) above it may recover the expenses from the person on whom the prevention notice was served.” 10
- 26 In section 221 –
- (a) in subsection (1)(c) for “any of the general lighthouse authorities” substitute “the Marine Navigation Aids Commission”,
 - (b) in subsection (2) for “any general lighthouse authority” substitute “the Marine Navigation Aids Commission”, 15
 - (c) in subsection (2A) for “any general lighthouse authority” substitute “the Marine Navigation Aids Commission”,
 - (d) in subsection (4) for “Secretary of State” substitute “Office of Marine Navigation Aids Regulation”, 20
 - (e) in subsection (4A) for “Secretary of State” substitute “Office of Marine Navigation Aids Regulation”,
 - (f) in subsection (5) for “Secretary of State” substitute “Office of Marine Navigation Aids Regulation”.
- 27 In section 222 for “any of the general lighthouse authorities or the Secretary of State” substitute “the Marine Navigation Aids Commission or its contractors”. 25
- 28 In section 222A –
- (a) in subsection (1)(a) for “a general lighthouse authority” substitute “the Marine Navigation Aids Commission”, 30
 - (b) in subsection (1)(b) for “a general lighthouse authority” substitute “the Marine Navigation Aids Commission”,
 - (c) in subsection (1) for third “authority” substitute “Commission”,
 - (d) for paragraph (2)(a) substitute –
 - “(a) to the Commission or a person appointed by the Commission to collect general light dues; or”. 35
- 29 In section 223 insert in the appropriate places –
- ““Marine Navigation Aids Commission” and “the Commission” means the Marine Navigation Aids Commission established by the Marine Navigation Aids Act 2009;” 40
 - ““navigation aids” includes lighthouses, buoys, beacons and any other aids which enable the safe navigation of marine vessels;”
 - ““Office of Marine Navigation Aids Regulation” and “the Office” means the Office of Marine Navigation Aids Regulation established by the Marine Navigation Aids Act 2009”. 45

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Lord Berkeley

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