

## North Berwick Harbour

### Conditions relating to the allocation and use of mooring/dinghy parking bays

In the following conditions the terms "East Lothian Council" "Harbour", "Harbourmaster" and "Mooring" shall have the respective meaning ascribed to them in the Management Rules for North Berwick Harbour.

#### General Conditions

1. When a person has been allocated a Mooring/Dinghy Parking Bay they will be expected to make appropriate use of it, they shall not lend, transfer it or sublet it, nor shall they use it for any boat other than that specified in the application, without the prior written consent to the East Lothian Council. Should an allocated mooring/ dinghy parking space be left unused for more than three months, between April and October, without the prior written approval of East Lothian Council, it shall be forfeit and reallocated. Boats moored temporarily on a mooring allocated to another holder shall be charged the appropriate pro-rata rate for the time spent on the mooring. Should the applicant wish a larger/smaller Mooring/Dinghy Parking Bay than that which is currently allocated, he/she should submit a new application to the East Lothian Council.
2. The allocation of the Mooring/Dinghy Parking Bay and payment of the appropriate fee also permits use of the slipway facilities when available within the harbour area for the purpose of launching or tending the boat named in the application.
3. In the event of the applicant failing to pay timeously the annual charges (which the East Lothian Council may vary at any time) the East Lothian Council shall be entitled to terminate the Mooring/Dinghy Parking Bay, forthwith.
4. A minimum and current Third Party Insurance must be held at all times for craft on moorings and in dinghy parking bays. The insurance must be available for inspection by East Lothian Council and /or the Harbour Master, on request. Owners unable to produce proof of a current insurance certificate may forfeit their mooring.
5. The allocation of a Mooring/Dinghy Parking Bay is at the discretion of the East Lothian Council and may be withdrawn by the East Lothian Council at any time.
6. Instructions from the Harbourmaster (or an appointed deputy) must be complied with at all times.
7. The East Lothian Council reserve the right, at any time, to change the position of an allocated Mooring or Dinghy Parking Bay within the Harbour area, at their discretion. Additionally the Harbour Master has authority to temporarily reallocate any mooring during the period of absence of the mooring holder for which a Pro-rata charge will be made.

8. ELC reserve the right to alter these conditions at any time.
9. Changes in ownership or of a shareholder of a boat or vessel should be disclosed to the East Lothian Council without delay. In the event of any change in the ownership or shareholding of a boat or vessel, the East Lothian Council reserve the right to re-allocate the Mooring/Dinghy Parking Bay in such a way as they deem appropriate.
10. New applications for moorings/dinghy park bays will be registered in the name of one person only. Craft cannot be transferred to a new owner. New owners must submit a new application form in the usual way.
11. Owners of fishing or commercial boats may apply to transfer their mooring to a new owner and this may be permitted on the understanding that the boat will continue to be used for the same fishing or commercial purpose. Fishing and Commercial boat owners must continue to meet the requirements of fishing or commercial boat owners as laid down in the document, 'Application for Moorings/Dinghy Parking Bays'
12. In order to rationalise the position relating to holders of moorings/dinghy park spaces prior to 1<sup>st</sup> April 2008, the following special conditions will apply. Owners of craft which are registered on a 50%/50% basis will be allowed to transfer moorings/dinghy park spaces between those owners after submitting an application to do so.
  - a. Transfer of moorings/dinghy park spaces between owners of craft with less than 50% shareholding will not be permitted. Minority part shareholders may submit a new application form in the usual way.
  - b. New 50/50 partnerships between existing holders (prior to 1.4.2008) may be considered, on application, if the arrangement is considered to be of benefit to the harbour area in general. (Note; where one mooring is relinquished)
  - c. ELYC managed moorings will be reviewed annually on the submission of their allocation of moorings.
  - d. Transfer of tender moorings will apply as in item 11 above.
  - e. In the event of change of category from Fishing or Commercial to Recreational the mooring will revert to the registered holder on the understanding that the appropriate fee is paid for the new category.
13. Should it be found that an application form contains false or misleading information, then the applicant may, (at the sole discretion of ELC) forfeit their Mooring/Dinghy Parking Bay.
14. All persons taking up a Mooring/ Dinghy Parking Bay at North Berwick Harbour will be required to adhere to the Management Rules for North Berwick Harbour currently in force, a copy of which will be issued with all application forms.