



**Registered Charity No SC045318**

**North Berwick Harbour Trust Association**

**Application for Harbour Mooring/Dinghy and Kayak Bay Area**

**1 April 2022 to 31 March 2023**

## CONDITIONS RELATING TO THE ALLOCATION AND USE OF MOORING/DINGHY BAYS

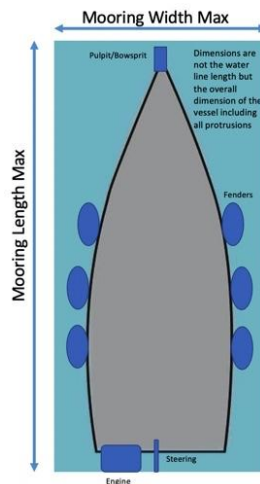
In the following conditions the terms "North Berwick Harbour Trust Association" "Harbour", "Harbour Master" and "Mooring" shall have the respective meaning ascribed to them in the Management Rules for North Berwick Harbour.

General Supplementary Terms and Conditions

1. When a person has been allocated a Mooring/Dinghy 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 their application, without the prior written consent of North Berwick Harbour Trust Association (NBHTA). Should an allocated mooring/dinghy parking space be left unused for more than three months, between April and October, without the prior written consent of the NBHTA, it shall be forfeit and reallocated and any refund of fee is entirely at the discretion of NBHTA. 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.
2. The allocation of a Mooring/Dinghy Parking space is at the discretion of the NBHTA and may be withdrawn by the NBHTA at any time and no reason needs to be given. Reasonable notice will be given and the aim of NBHTA and the Harbour Master and Manager is to work with people to resolve any issues which may arise.
3. Payment is for each craft and not for a bay in the Dinghy Park. Charges will therefore be raised for each craft. Dingy Bays are only guidelines and will need to be shared or may be overlapped by other allocated craft.
4. NBHTA reserve the right, at any time, to change the position of an allocated Mooring or Dinghy space within the Harbour area at their sole discretion. The Harbour Master or Manager 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.
5. The allocation of the Mooring/Dinghy Space and payment of the appropriate fee also permits use of the slipway facilities within the harbour area, when available, for the purpose of launching or tending the boat named in the application.
6. In the event of the applicant failing to pay timeously the charges (which the NBHTA may vary at any time), NBHTA shall be entitled to terminate the Mooring/Dinghy space forthwith and remove any vessel to storage at the owners cost.
7. A minimum and current Third Party Insurance must be held at all times for craft on moorings and in dinghy bays. The insurance must be available for inspection by the NBHTA and /or the Harbour Master, on request. Owners unable to produce proof of a current insurance certificate will forfeit their mooring.
8. Instructions from the Harbour Master or Manager (or an appointed deputy) must be complied with at all times.
9. It's a requirement to inform NBHTA of any changes in ownership or shareholding of a boat or vessel before any change is made. In the event of any change in the ownership or shareholding of a boat or vessel NBHTA reserve the right to re-allocate the Mooring/Dinghy Parking space in such a way as they deem appropriate.
10. Mooring sizes in the harbour are set at the current size of boat notified to NBHTA and allocated accordingly. Any prior communication on mooring size is invalid and any current mooring plan is to be considered a guide only. At each change of vessel the NBHTA will decide on suitability and approve change at their sole discretion
11. New applications for moorings/dinghy park spaces will be registered in the name of one person but all partnerships must be declared. Moorings or spaces cannot be automatically transferred to a new owner, other than as defined in item 13. If the vessel is sold a new application should be submitted in the normal way.
12. 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 by NBHTA.
13. In some cases special conditions may apply to facilitate ongoing ownership of long standing boats and in order to rationalise the position relating to holders of moorings/dinghy park spaces held for 5 years or more prior the following special conditions will apply.
  1. Owners of craft which have been registered for more than 5 years on a 50%/50% basis may be allowed to transfer moorings/dinghy park spaces between those owners. A written application has to be made to NBHTA. NBHTA will thereafter consider the application and consider factors such as usage and residency of the said partner when arriving at a decision. Should a dispute of ownership arise, NBHTA will revert to the original mooring holder and, if necessary thereafter, exercise its discretion in arriving at a decision.
  2. Transfer of moorings/dinghy park spaces between owners of craft with less than 50% shareholding will not be permitted. Minority part shareholders must submit a new application form in the usual way.
  3. Registered close family partnerships will be considered sympathetically and given priority in the event of bereavement or change of circumstances subject to the same vessel being used regularly by said family member and subject to an application in writing for a decision at the sole discretion of NBHTA. Close family is defined as Civil Partner, Spouse, Daughter, Son, Father, Mother, Sibling.
  4. ELYC managed moorings will be reviewed annually by ELYC and are subject to the rules of ELYC and subject to verification from NBHTA regarding space and suitability.
14. Should it be found that an application form contains false or misleading information, then the applicant will, (at the sole discretion of NBHTA) forfeit their Mooring/Dinghy Parking Bay.
15. All persons taking up a Mooring/ Dinghy 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 is available at the North Berwick Harbour web site
16. The dimension of a mooring is defined annually by the total dimensions including all projections



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17. The dingy and kayak bays are provided for users who wish to use the vessels and this is not a storage area but is intended to facilitate ease of getting on the water. All vessels unused and 'stored' will be removed, at the expense of the owner, in favour of actively used vessels and space located to those on the top of the waiting list.
18. All applications submitted for a Mooring/Dinghy Parking space will be considered in order of receipt.
19. Where appropriate the applicant will be allocated a Mooring/ Dinghy Parking space. Alternatively, if all places have been allocated, the applicant will be placed on a waiting list and will be charged a fee and, thereafter, an annual admin fee to remain on the list.
20. Applications will be for the following categories,
  - a) **Fishing Boat** , Fishing boats must be registered and hold the appropriate fishing licence
  - b) **Commercial Boat**, Owners must have current MCA (or equivalent) certification and boats must be used for commercial purposes ie. for the carrying of goods or personnel, or carrying out other works. Any question arising in relation to commercial use will be decided at the sole discretion of NBHTA.
  - c) **Recreational**, Boats will be used for sport and leisure and subject to validation of insurance, seaworthiness and relevant boating expertise or certificates.
  - d) **ELYC managed moorings**, Boats will be 100% owned by ELYC members but recorded by NBHT for emergency contacts and space will be managed within the given allocation with a max size of boat specified.
  - e) **Tenders** Boats to be used as a means of accessing vessels during tidal restrictions and will apply, both to tenders moored in the water or on the hardstanding. Maximum length 3.7 metres.
  - f) **Kayaks** this is not for storage and all vessels are expected to be used regularly
  - g) **Dinghy** refers to sailing dinghies, rowing boats and other small light weight craft which are expected to be in regular use. Bays are for guidance only and no bay is solely allocated.
21. Use of Esplanade area for other community purpose. From time to time the esplanade may be used for local events which benefit the wider community. If required by NBHTA, all boats may be required to be removed to an alternative location provided for the duration of the event. Owners should understand that failure to move a vessel, when requested, could result in the boat being moved and re located by the NBHTA, without consultation and for the duration of the event. Charges may apply. NBHTA do commit to keeping this disruption to a minimum and will give adequate notice.
22. Applications for moorings or space will be considered in the following order of priority.
  - (a) Persons who were allocated a Mooring/Dinghy Parking space for the previous season assuming that the applicant has fully complied with past terms and conditions.. The application will be for the same vessel and any change in vessel will be considered as a new application and must be agreed in advance ensuring that it meets the length, breadth and depth requirements of the mooring.
  - (b) Owners of fishing or commercial boats, up to a maximum of 7 moorings total for the harbour. Owners may be resident in East Lothian or providing significant economic activity within East Lothian.
  - (c) East Lothian residents.
  - (d) Boat size, type, keel type and suitability.
23. Waiting List /Application
  - (a) A fee is required to join the waiting list, (see annual fees) and an annual admin fee is payable to remain on the list. An appropriate invoice will be raised in April of each year. A mooring is offered to the first person on the waiting list subject to the above priority and review by the NBHTA and then the next person is approached and so on. Decisions are at the sole discretion of the NBHTA after confidential discussion by Trustees and are final.
  - (b) Existing mooring holders who wish to purchase larger boats (outside the capacities of their current mooring as defined in section 16) must submit a new application specifying the size requirements. They will then be placed on a separate waiting list and can be prioritised at the discretion of the NBHTA as a result of freeing up a mooring to be offered to a new applicant.
  - (c) The reference to priority for existing holders means priority to be allocated a space (usually the previously allocated mooring) for the same vessel as last year and **not** one of different dimensions. Any change of proposed vessel will be regarded as a new application but will be prioritised if it meets the requirements of the mooring space. Any vessel which, upon arrival in the Harbour is found to be oversized, over width or the wrong keel type will not be allocated a mooring.

**Please Note: The data you provide will be used solely for dealing with you as a customer of the Association. The Association has a Data Privacy Policy which can be found at [www.nbharbour.org.uk](http://www.nbharbour.org.uk). Your data will be stored and used in accordance with this Policy.**