

North Queensferry Community Trust

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West Bay Harbour

Policy on Dangerous Boats, Land-based Boats, Abandoned and Neglected Boats and Non-Payment of Fees and Charges

Under its charitable purposes North Queensferry Community Trust (NQCT) is committed to provide recreational facilities and advance public participation in sport. NQCT is also committed to providing the public with open access to the harbour.

Under its lease from Fife Council NQCT must keep the harbour premises “*free from abandoned boats and redundant items which shall be removed within a reasonable period not exceeding two months*”. The lease also requires NQCT to “*limit the storage of boats and other items on the surface ...to a period of six months in any one period of twelve months*” without Fife Council's permission.

Space taken up by land-based boats that stay out of the water long-term is not available for new boat club members. Unless such boats are actively being worked on and will become seaworthy in a reasonable period of time they reduce participation in the sport. Boats that stay out of the water long-term are more likely to be neglected and become abandoned. Abandoned and neglected boats then become a responsibility for the management of the harbour and can become dangerous to harbour users including members of the public.

Non-payment of boat fees is also a problem at the harbour. Loss of those fees reduces the funds available to look after the harbour. Any owners having difficulties in paying his or her fees is strongly encouraged to contact North Queensferry Community Trust.

However, if a boat has become dangerous, has been abandoned or neglected or the fees for that boat are six months or more in arrears, NQCT will proceed as follows.

Dangerous Boats

If a boat becomes dangerous at any time, NQCT reserves the right to move the boat and/or make it safe by whatever means necessary. The owner will be liable for all costs incurred by moving and making the boat safe. While all efforts will be made to handle the boat carefully, NQCT will incur no liability to the owner for any loss or damage.

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NQCT will also attempt to inform the owner of its action by email, letter and telephone (if known) and ask the owner to ensure that it is safe.

Land-based Boats

Boats that have stayed on land for a year without going in the water will be considered to be land-based. Their owners will be asked in writing by letter or email for a proposal of how they will manage the boat in the following year. While illness, bereavement and working on the boat may be considered sympathetically, it is at NQCT's discretion whether or not to accept the owner's proposal. If the owner provides no proposal or the proposal is unacceptable NQCT will attempt to contact the owner and asked him or her to resolve the situation.

At all times it will remain the owner's responsibility to maintain land-based boats in a safe condition, provide NQCT with contact details, keep the area around the boat free from stored items and pay the facilities fees and any charges due. Failure to do any of these will result in the owner being contacted and asked to resolve the situation.

Abandoned and Neglected Boats

1. If an owner has been advised that a boat is hazardous and the owner has not accepted his or her responsibility and resolved the situation to NQCT's satisfaction that boat will be deemed neglected.
2. If an owner's proposal arising from the boat having been out of the water for a year has been accepted, but the owner fails to implement it, that boat will also be deemed neglected.
3. If no fees have been paid for six months, the boat will be deemed to be abandoned.

Abandoned and Neglected Boats - Resolution

If a boat is abandoned or neglected as defined above, NQCT will contact the owner as described below and ask him or her to resolve that situation, as appropriate, by:

1. Making the boat and its support structure safe within two weeks. and to the satisfaction of NQCT
2. Presenting a fresh proposal for the boat to NQCT within two weeks. It is at the discretion of NQCT to decide whether or not to accept the fresh proposal. If rejected, the owner must remove the boat from the harbour within four weeks.
3. Paying, within two weeks, all overdue fees and any applicable charges arising from NQCT having had to make the boat and its support safe and/or moving the boat.

Contacting the owner to requesting resolution of problems

NQCT will

- Send a signed-for letter to the owner at his/her last known address giving one month's notice that resolution is now required.
- At the discretion of NQCT, send the same letter to such email address or addresses belonging to the owner as may be known to NQCT and which NQCT may consider appropriate.

- Put a notice on the NQCT's noticeboard and the NQ Boat Club's noticeboard asking the owner to contact NQCT.
- Attach the notice to the boat in a waterproof covering asking the owner to contact NQCT.
- Put the notice on NQCT's website, NQCT's Facebook Page the NQ Noticeboard Facebook Page, and such Community Facebook pages local to the last known address for the owner as NQCT may, in its discretion, consider appropriate

If all the above fail to get a response after two weeks, NQCT will approach the owner's named contact.

Manage the boat

Once a boat has been deemed neglected or abandoned as defined above NQCT reserves the right to move the boat and make it safe as necessary. While all efforts will be made to handle the boat carefully, NQCT will incur no liability to the owner for any loss or damage.

Dispose of the Boat

If all attempts to contact the owner fail to achieve contact and a satisfactory resolution of the issues, NQCT will put the boat up for sale advertising it for a period of 3 months on:

- the harbour notice board
- through NQ Boat Club
- on Apollo Duck

It will be at the sole discretion of NQCT whether to accept any offer received.

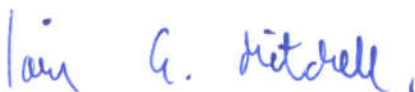
The proceeds of any sale, less any ensuing costs and the fees due for the boat, will be kept in a bank deposit account for five years, so they can be paid to the owner should the owner make contact.

If the boat or other vessel is unsaleable, NQCT may dispose of the vessel as it thinks fit. The cost of disposal and the fees outstanding will remain a debt owed to NQCT by the owner.

Outstanding Debts

NQCT shall have the right to take legal action against the boat owner for payment of fees and charges if payment of outstanding fees is six months or more in arrears.

Adopted by the North Queensferry Community Trust on 30th March, 2023.



Chairman, North Queensferry Community Trust.