

LOCH ARD SAILING CLUB

STANDING POLICY ON ABANDONED BOATS AND OTHER EQUIPMENT

(1) Where a member or former member being the owner of any boat stored on club premises has not paid the requisite membership and storage fees for the season by 1st July in any year, LASC reserves the right to:

- (a) move the boat and any trailer and other associated equipment to any part of the club premises without being liable for any loss or damage to the equipment however caused;
- (b) give one month's notice in writing to the owner at his/her last known address as shown in the club's records and thereafter sell such boat and any trailer or other equipment belonging to that member for such sum or sums as may to the Committee in the reasonable exercise of its discretion seem appropriate, and deduct any sums due to the Club by way of fees or otherwise from the proceeds of sale before accounting for the balance (if any) to the member or former member;
- (c) where the boat, trailer or other equipment is deemed unsaleable by the Committee in the reasonable exercise of its discretion, dispose of such boat, trailer or other equipment in such manner as the Committee may think fit and treat the cost of doing so as a debt due by the member or former member;
- (d) to treat the boat, trailer or other equipment as abandoned property under sections (2) and (3) below;
- (e) where a member or former member has not been traced despite reasonable steps to do so, retain the proceeds of sale (under deduction of any sums to the Club as aforesaid) on deposit pending any claim by the member or former member or other person(s) for a period of six years, at the conclusion of which the proceeds of sale and any accrued interest shall become the property of the Club."

(2) The Committee may deal with any abandoned or unauthorised equipment on club premises (including any boat or trailer) as follows:

- (a) move the equipment to any part of the club premises without being liable for any loss or damage to the equipment however caused;
- (b) notwithstanding the terms of paragraph (1), require the member or former member (if known) to remove the equipment from club premises;
- (c) Where the owner of equipment is unknown, LASC will make reasonable efforts (whether by the club website or such other means as the Committee may in its sole discretion determine) to trace the owner. If the owner remains untraced after three months LASC will treat the equipment as abandoned and report it to the Police in accordance with the Civic Government (Scotland) Act 1982. If the Police subsequently offer the equipment back to LASC, LASC may (but need not) accept such equipment. In the event that such equipment is accepted from the Police, LASC reserves the right, without giving further notice to any party, to use the equipment for club purposes and after a period of one year either to dispose of the equipment in such manner as the Committee sees fit or to retain it for club purposes (in which case it will become the property of LASC);
- (d) LASC shall be under no obligation to obtain the best price, or any price, for any equipment disposed of. Any proceeds of disposal will be the property of LASC, which shall not be required to account for such proceeds to the owner of the equipment;
- (e) LASC reserves the right to charge storage fees for the equipment until such time as the owner collects it.

- (3) The Committee shall be entitled to treat any of the following as abandoned equipment:
- (a) a boat, trailer or equipment located on club premises and not displaying any details of ownership or current proof of payment of storage fees;
 - (b) where boats have been allocated specific spaces, a boat, trailer or equipment located otherwise than in a properly allocated space;
 - (c) a boat, trailer or equipment that remains on club premises for more than one month after any date advised by the Committee by which boats, trailer or equipment must be removed to allow for maintenance works on club premises or for any other purpose;
 - (d) notwithstanding the terms of paragraph (1), a boat, trailer or equipment which is the property of a member or former member which remains on club premises after 1st July and for which no storage fee has been paid for the current season, or which is the property of a former member and remains on club premises over one month after the termination of his/her membership.