

**CONSTITUTION
OF THE
NORTH BERWICK WEST BAY MOORINGS ASSOCIATION**

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**The Harbour
North Berwick**

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1. OBJECT

The object of the Association is to co-ordinate the organisation and maintenance of moorings in the West Bay area of North Berwick.

The Association will be non-profit making.

2. MEMBERSHIP

Any person owning a mooring, or right to mooring, or with an interest in matters relating to moorings in the West Bay at North Berwick is entitled to become a member. Members shall be entitled to all privileges and amenities of the Association and shall have the right to vote on all Association matters. Applications for membership shall be made to the Secretary in the due manner. They shall be seconded by a member of the Committee. Upon election, a new member shall be given a copy of this Constitution and a copy of the Conditions & Regulations pertaining to the general berthing/moorings etc. Any subscription will be payable immediately. Acceptance of an application for membership shall not be unreasonably withheld by the Committee or the Association to any applicant undertaking to comply with all instructions and regulations relating to the mooring of vessels in the area. If the Committee or the Association refuses such an application, the applicant has the right of appeal to the Crown Estate Commissioners, 10 Charlotte Square, Edinburgh EH2 4DR, whose decision shall be final.

3. SUBSCRIPTION

Subscription rates will be decided at the Annual General Meeting and will be payable on 1st January each year. Members who do not notify the Secretary of their resignation and who, after due notice from the Secretary, still fail to pay their subscription, shall have their names removed from the roll

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4. COMMITTEE

The Committee shall consist of: Chairman, Secretary, Treasurer. It may also include a representative of Harbour Management, representative of Fishermen, representative of East Lothian Yacht Club and one Members' representative. The above shall be elected at the Annual General Meeting. The Committee shall meet once a month or as necessary. Three Committee Members shall form a quorum. The Committee shall have the power to co-opt additional members. The co-opted members will be eligible to comment, but will not be eligible to vote on any Committee matter. The Committee Members shall retire at the Annual General Meeting, but shall be eligible for re-election.

5. GENERAL MEETINGS

An Annual General Meeting shall be held in January of each year. The notice calling the meeting shall be posted (or in some other manner agreed from time to time by the Association) to all members at least fourteen days prior to the meeting, together with a copy of the financial statement for the preceding year. Special General Meetings may be called at any time on submission to the Secretary of a written requisition signed by six members. The requisition shall contain the terms of any motion, or motions, to be submitted to the meeting. Notices of the Special General Meetings shall be posted (or in some other manner agreed from time to time by the Association) to all members at least fourteen days prior to the meeting. Such notice shall contain particulars of any matter to be discussed at the meeting. One half of the membership of the Association shall form a quorum at a Special General Meeting.

6. ACCOUNTS

The Association's financial year shall be from 1st December to 30th November. The accounts shall be audited by the approved auditor prior to the Annual General Meeting and will be submitted to the Annual General Meeting for approval. An Honorary Auditor will be elected at the Annual General Meeting and shall retire at the next Annual General Meeting, but shall be eligible for re-election.

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7. MOORINGS MAINTENANCE

At the Annual General Meeting, the Chairman will report on the mooring maintenance work carried out in the preceding year. The meeting will decide, with the guidance of the Committee, the Association's policy for moorings maintenance in the coming year.

8. RULES AND REGULATIONS

The Association/Committee shall take into account at all deliberations the matters and content and agreements set out in the 'Minutes of Agreement between the Crown Estate Commissioners and the North Berwick West Bay Moorings Association dated 10th January, 1992' and any amendments thereafter and in 'N.B.W.B.M.A. General Conditions/Rules/Regulations of Berthing/Moorings' dated 1st July, 1991 and any amendments thereafter.

9. CONDITIONS OF MOORINGS AND BERTHING

The Committee of the Association has the right and title, with agreement from time to time of the Crown Estate Commissioners, to publish to their members such general conditions and regulations of moorings and berthings as the Association's Committee feel are required for the good management of the Association and the area of jurisdiction as leased from the Crown Estate Commissioners (edged in pink on the plan annexed and signed in the Minute of Agreement between the Crown Estate Commissioners and the Association). The particulars as published to be agreed at a Special General Meeting - as per Clause 5 of this Constitution.

10. DEBENTURE SCHEME

The Association is to fund the initial cost of the mooring trots through debenture finance from the allocated members of the Association. Such members will be expected to pay the Association the sum as notified by the Treasurer within ten days of the notice of allocation, failing which, the Committee will have the right and title to either allocate the mooring to another member or, in the event of an overall shortfall of demand, delay the laying of mooring berths.

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11. ALLOCATION OF MOORINGS

The Committee reserves the sole right to allocate moorings upon written application from a member stating: a) the name of craft, b) the length and breadth of craft, c) the overall dead weight of craft, d) form of main propulsion. The Committee in its deliberation of allocations of moorings, must take into account the climatic and sea bed conditions of the West Bay before agreeing to any member's craft being allowed to berth at the Association's moorings. In general, craft of over 9m in length will not be allowed on a permanent basis due to the design of the present 14 trot moorings. In the event of a member's relinquishing the mooring, such mooring will revert to the Association to be re-allocated by the Committee. The allocated members must supply their own riser to be fixed at the agreed position on the ground chain. The riser/pick-up chain and berthing buoy are to be to the entire satisfaction of the Association Committee. The titles and ownership of each craft to be supplied to the Committee on demand.

12. WINDING UP

If, in the event of the Association's being wound up, there remains after settlement of all debts and liabilities any property whatsoever, the same shall not be paid to or distributed among members of the Association, but shall be given or transferred to some other organisation having the same or similar objects of the Association or to the R.N.L.I. A General Meeting of the Association will be held to determine the recipient. In the event of there being a debit balance after all assets have been sold, the net debit balance will become the liability of the berth holders in the preceding year to be apportioned equally.

JULY 1991/JANUARY 1992
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