

WOBYC – Abandoned Boats Procedure (“ABP”)

WOBYC will dispose of any boats/craft/trailers regarded as abandoned in accordance with House Rule 7 :-

‘Any craft and/or trailer that regularly occupies space within the dinghy park, and remains there two months or more after fees are due, may be disposed of by the club. In accordance with the WOBYC Abandoned Boats Procedure’.

This procedure is based on guidance issued by the RYA. Details may be found in [1] and [2].

Timeline	Action	Comment
Disposal – 4months	Attempt to trace unknown owners	Using steps 1-7 in Reasonable Steps to Trace an Owner. This includes advertising for information in a local newspaper. See Appendix D – Tracing Owners Advertisement
Disposal – 3.5 months	Contact all owners at last known address with ‘Dinghy Park Fee Reminder’.	Allows 14 days for owner to pay outstanding fees. See Appendix A- Dinghy Park Fee Reminder
Disposal – 3 months	Chain up any boats likely to be removed unlawfully.	At the discretion of the Club.
	Contact owners at last known address with ‘Combined Notice of Intention to Sell’	Sent via Registered Post. Giving three months notice of intended disposal. See Appendix B– Combined Notice of Intention to Sell
	Affix ‘Abandoned Boat Notice’ to boats.	Giving three months notice of intended disposal. See Appendix C – Abandoned Boat Notice
Disposal – 1 month	Advertise abandoned boats on ‘Dinghy Park’ section of Club Notice Board	Also via Apollo Duck, WOBYC website, FB and e-Broadside. Giving one months notice of intended Disposal.
Disposal	After receiving payment. ‘Bill of Sale’ handed/sent to new owner	See Appendix E – Bill Of Sale
Disposal + 1 week	If boat uncollected or Dinghy Park fee not paid. Advise new owner that ABP will recommence.	

Reasonable Steps to Trace an Owner

Listed are the steps that will be taken in trying to trace an owner. A 'tick list' record will be kept of the attempts made.

1. Searching the Internet. In particular Social Media sites such as Facebook directory websites such as 192.com.
2. Sending each notice by recorded/registered post to the last known address of the person they believe to own the boat and/or trailer, which may be found on the club's register of members;
3. Attaching each notice to the boat and/or trailer in a weathertight envelope in a prominent position;
4. Posting a notice on the 'Dinghy Park' section of the club notice board soliciting information from the members as to the whereabouts of the owner;
5. Approaching any relevant class association and asking for their assistance;
6. Following up any leads or information that may be forthcoming;
7. Placing an advertisement in a local newspaper.

Disposal

If a boat has not been claimed. The first attempt at disposal will be by an 'Auction Style' advert on the Apollo Duck website. A link to this will be included in the 'For Sale' section of the WOBYC website. After this the boat will be disposed of via other means. Possibly FB- 'Dinghy & Dinghy Bits For Sale'. Copies of disposal documentation will be retained.

Bill of Sale

It is WOBYC Ltd (the company) that is transferring ownership of the boat. An example form is included as Appendix E – Bill Of Sale. Essential points regarding completion are:-

Section 2 - Must contain the company details and 'TRANSFERORS UNDER LIEN' printed across it.

Section 3 – Valid signatories are either:-

- Two Directors
- Company Secretary and Director
- A Director in the presence of a witness giving their address.

Combined Notice Of Intention to Sell

This is the document informing the owner of the clubs intentions in relation to the boat. It is a combination of 2 required under Tort:-

Part 1 – Notice to Remove

Part 2 - Notice of Intention to Sell

Costs

Costs incurred may include:-

- Registered post

The '2nd Class Signed For' service, with 3 day delivery, currently costs £1.66 per letter < 100g

- Advertisement in Local Newspaper

We would place a single advertisement (one Insertion) in the 'Lowestoft Journal'. An example is shown in **Appendix D – Tracing Owners Advertisement**. Current cost of this is about £75.

References

[1] <http://www.legislation.gov.uk/ukpga/1977/32> **Torts (interference with Goods) Act 1977**

[2] <http://www.rya.org.uk/SiteCollectionDocuments/legal/Web%20Documents/Legal%20Leaflets/Clubs/Pr emises/ABANDONED%20BOATS%20AND%20TRAILERS.pdf> **RYA Abandoned Boats Procedure**

Appendix B– Combined Notice of Intention to Sell

[To be printed on club headed paper]

NOTICE OF OBLIGATION TO COLLECT GOODS AND NOTICE OF INTENTION TO SELL GOODS

To:		[Owners Name]
Of:		[Owners Last Known Address]

The following vessel and other property (the “Property”) belonging to you was bailed to the Waveney and Oulton Broad Yacht Club Ltd (“the Club”)

	[Property’s description – e.g. name and type of vessel, plus details of trailer etc]
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And situated:-

	[club address]
	[location within boat park]

The sum of £..... is due and owing to the Club in respect of the Property. A Reminder was sent to you on [date] Accordingly your entitlement to occupy a space in the Dinghy Park has terminated. You are therefore obliged to collect the Property and remove it from the Club’s premises. The outstanding sum specified above is payable by you on collection of the Property.

If you do not collect the Property and remove it from the Club’s premises and pay the above sum within 3 months of the date of this Notice i.e. no later than

	[Disposal date]
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The Club will sell the Property, and account to you for the proceeds of Disposal less the costs of the Disposal and the sum payable by you as set out above.

Under Section 12 of the Torts(Interference with Goods) Act 1977 you are now obliged to pay the sum due and take delivery of the Property. If you do not do so before the date specified above the club will sell the Property.

Signed on behalf of WOBYC Ltd

by:

[insert name and position of Signatory]-----
[insert name and position of Signatory]

Appendix C – Abandoned Boat Notice

ABANDONED BOAT NOTICE

Dated:

Waveney and Oulton Broad Yacht Club Ltd (WOBYC Ltd) believes that this vessel, boat and/or trailer is an 'Abandoned Boat' as defined in their House Rule 7.

If you are the Owner of this 'Abandoned Boat' please contact one of the representatives below within **3 months** of this notice date in order to:-

- Pay all Membership Dues that are in arrears
- Pay all Boat storage fees that are in arrears

Otherwise WOBYC Ltd will sell, scrap or otherwise remove the 'Abandoned Boat' as they see fit. In accordance with Royal Yachting Association Guidelines and Schedule-1 of the Torts (Interference with Goods) Act 1977.

WOBYC Ltd Contacts for this Notice:-

Mr A. Ritchie - Boat Park Administrator dinghypark@wobyc.com or club address above

Mrs M. Horne - WOBYC General Secretary 01502 – 569221 or club address above

Appendix D – Tracing Owners Advertisement

WAVENEY AND OULTON BROAD YACHT CLUB LIMITED (Company number 1534009)

The Clubhouse, Nicholas Everitt Park, Oulton Broad, Suffolk, NR33 9JR.

There are a number of boats apparently abandoned on Waveney & Oulton Broad YC (WOBYC) Ltd premises. Fees for storage are long outstanding. The Club will proceed to dispose of these unless the owners come forward and pay the sums owing to the Club within the next 14 days. After payment the boats will be released to the owners for removal. If you are an owner, or have any knowledge of them, please contact the address above or email **dinghypark@wobyc.com**

