



ROYAL SOUTHERN
— YACHT CLUB —

Terms and Conditions of Acceptance

Annual Club Berth Licence 2021-2022

The Royal Southern Yacht Club is offering Annual berthing licences for Yachts, Dry Berths and RIBs for 2021 – 2022. The terms of the licences are as follows.

- Yachts (PPYH & East Pontoon): 1st April 2021 to 31st March 2022
- RIBs: 1st April 2021 to 31st March 2022
- Dry Berths: 1st April 2021 to 31st March 2022

1. Eligibility and Vessel Ownership

- 1.1. Each vessel must be fully owned by a Full Member (which shall include a Family Member) of the Club. Jointly owned vessels are eligible if, and only if, all part owners are Full Members of the Club. The licence is granted for the Boat identified in the application. No other boat may be moored in the allocated berth without express permission of the Club.
- 1.2. All owners must be resident in the British Isles and must have been Full Members of the Club for at least six months at the commencement of the relevant berthing year.
- 1.3. At the time of the ballot, the vessel must be entirely in the possession of the Member(s). Vessels that have not been completely built or the purchase of which has not been completed are not eligible.
- 1.4. A berth ballot application from an owner(s) with overdue debt(s) on their club account or who has not paid their subscriptions may not be considered for the ballot.
- 1.5. Club berths are provided primarily as a facility to Members who make regular use of their vessels in Club events, or who have offered their boats for club duties during the 2020 season. Ballot priority may therefore be given to applicants who cite this participation in the application form.

2. Permitted Vessels

The Club reserves the right to measure any vessel. Berths are available for: -

- 2.1. **Monohull Yachts (Sail and Motor)** in the Prince Philip Yacht Haven and on the East Pontoon.
The length of the yacht is to include dinghies, davits, bow anchors and any other overhanging item. The Club reserves the right to impose a limit on the maximum length allowed. Where appropriate, berths in the Prince Phillip Yacht Haven will be filled before berths on Eastern side of the river. Members who wants to apply for a place on the East Pontoon, but not in the Prince Philip Yacht Haven, should indicate this on their application form.
- 2.2. **Multihull Yachts (Sail and Motor)** on East Pontoon, subject to available space.
Multihull yachts are not permitted in the Prince Philip Yacht Haven.
- 2.3. **RIBs** in the Prince Philip Yacht Haven.
RIB berths are not available to vessels more than 7.0 metres overall length or 2.7 metres width to include any overhanging item but excluding engines, unless with explicit permission from The Club.
- 2.4. **Dry Berths** for Sportsboats and Dayboats only.
The maximum length is 9.0 metres, which may not be exceeded.

3. Fees – 2021-2022 fees and payment schedule are set out in Appendix 1.

- 3.1. The applicant will be notified of the Full Fee specific to vessel and licence type on the Annual Berth Acceptance Form. This will be sent to successful applicants following the Berthing Ballot and subsequent Berth Allocation process.
- 3.2. If either the Application Deposit is not received by the relevant deadline, the Club reserves the right to disallow the application or reallocate the berth. Failure to pay a fee by the deadline, may result in the loss of any deposits paid.
- 3.3. If the Full Fee is not paid by the deadline, the allocated berth will be forfeited and reallocated. Unless notice is received in writing by 1st January 2021 that the allocated berth will not be taken up the Member is liable to pay the full fee.
- 3.4. Fees are to be paid by cheque, direct debit, bank transfer or debit card.

4. **Crane Use** – For **RIB** and **Dry Berth holders**, the licence fee includes unlimited unassisted lifts using the crane with approved strops and by Club approved users. All crane use is subject to weather conditions. To become a Club approved user, members must attend a training session annually. The weight limit for the Club crane is 3 tonnes.



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5. **Licence Ownership** - The licence granted to a Member is personal to that Member and cannot be transferred or disposed of in any way to anyone else, or to any vessel other than the Boat identified on the licence application. The licence does not grant exclusive possession of a berth and no landlord and tenant relationship is implied. The member may not sublet the berth.
6. **Berth Allocation** – A Club berth is allocated to a Member for the use of the Boat for which the application was written only, you must not allow any other boat other than the Boat shown on this form or shown on the licence agreement, unless authorised by the club, to occupy the berth. . The Club reserves the right to measure any vessel using a Club berth. The Club reserves the right to change the location of a berth at any time should the need arise. Those Members who are affected by any such re-allocation will, where practicable, be advised in advance in writing.
7. **Temporarily Vacating a Berth** – Members are expected to notify the Bosun or Sailing Office when vacating a berth. The Club reserves the right to re-use a berth that is vacant at any time, whether notice has been given or not.
8. **Advertisement and Commercial Activities**
 - 8.1. 'For Sale' signs are not permitted, and the Club reserves the right to require that commercial advertising be removed.
 - 8.2. Commercial activities, including but not limited to operating charters or Airbnb, are not permitted from the Club's premises.
9. **Selling or Acquiring a Vessel**
 - 9.1. If a Member acquires a new vessel of the same size or smaller the new vessel may remain in the allocated berth without further payment to the Club. The Member must notify the Club of the details of the new vessel. No refund will be made if the new vessel is smaller.
 - 9.2. If a Member acquires a new vessel which is larger than the vessel for which this licence has been granted, the Club will allocate a berth if such is available. The licence will continue in respect of the new vessel, subject to the Member paying any excess fee based on the size of the new vessel and the current berthing rates. If it is not possible to allocate a suitable new berth, then this licence will be terminated and no refund will be payable.
 - 9.3. If a Member sells the vessel to another Member the vessel may remain in situ without further payment to the Club, subject to the buyer giving written notice to the Club that he or she accepts the terms and conditions of the licence.
 - 9.4. If a Member sells his vessel to a non-member the vessel must be removed from the club within 7 days of the transfer of ownership.
10. **Waterside Rules** – Members must comply with the Waterside Rules of the Royal Southern Yacht Club and regulations laid down by the Club from time to time for the use of club facilities.
11. **General Conditions:**
 - 11.1. The Sailing Committee's decision in all matters relating to the allocation of berths shall be final.
 - 11.2. A valid Certificate of Insurance for the vessel must be maintained at all times whilst it occupies a Club berth in the sum of at least £3,000,000.
 - 11.3. Apart from any loss or injury which results from the negligence or deliberate act of the Club or that of its staff, agents and contractors for whom it may be responsible, every person entering the Club's premises including the Prince Philip Yacht Haven and the moorings area on the eastern side of the River Hamble for any purpose does so entirely and his own risk. In no circumstances (save for death or personal injury caused by the Club's negligence) shall the Club be liable in contract, tort or otherwise whatever the cause thereof, for any special, indirect or consequential loss of any nature whatsoever suffered or incurred by any person.
 - 11.4. Where notice in writing is required in these conditions it may be given by email but not by any other electronic means.
 - 11.5. All of the above conditions are applied in good faith, and allocations will always be subject to the discretion of the Royal Southern Yacht Club.