



## **Boat Launching Policy (Bury Wharf)**

### **1. Introduction**

This policy sets out the conditions for use of the land owned by Bury Parish Council at Bury Wharf. Historically, this area has been used as a public right of way and for residents of Bury Parish to launch boats onto the River Arun. It has not been used nor, should it be used in the future, as an area to store equipment such as boats and trailers.

### **2. Legal responsibility**

- (i) The law imposes duties on landowners by virtue of their ownership (and occupation) of land, as set out in the Occupiers' Liability Acts 1957 and 1984, towards other people. The nature of the duties imposed upon Parish Councils is no different from that imposed upon private landowners. In summary, council landowners must not allow any land which they occupy to be in a condition which might cause injury or damage to anyone who could be expected to enter on land which they own or occupy. Nor must the Council allow any activity which might cause injury or damage to anyone who could reasonably be expected to be at risk (ie children) .
- (ii) Thus, every occupier of land owes a legal duty of care towards anyone coming onto their premises. Any breach of that duty which causes personal injury makes the occupier liable to pay damages. Under the 1957 and 1984 Acts, premises includes lands and vessels.
- (iii) In the case of visitors to Bury Wharf, the Parish Council's legal duty is to take reasonable care to ensure its premises is reasonably safe for the purposes for which visitors are permitted to be there.
- (iv) The 1984 Act further imposed a duty on occupiers to take reasonable care for the safety of those people that have no authority to be on the premises (trespassers) in respect of any risk of their suffering injury by reason of any danger to the state of the premises or things to be done or omitted to be done on them.

### **3. Bury Wharf**

- (i) The land owned at Bury Wharf by the Parish Council is used as a public right of way and consent also is given for residents of the parish to launch boats onto the River Arun (as well as visitors who have requested permission in advance and been granted it in writing by the clerk). Consequently, if a resident, or visitor, would like to launch a boat, they should request a key by emailing [clerk@buryparishcouncil.org.uk](mailto:clerk@buryparishcouncil.org.uk) . All other persons (other than those also given implied consent to carry out work/maintenance associated with the authorised uses of the premises) will be considered to be trespassers.
- (ii) Moreover, uses of the wharf (other than those uses specifically referred to in 3(i) above) such as for the storage of any equipment, including boats and trailers, is strictly prohibited and is considered to be a health and safety risk to people occupying the Council's premises and to the Environment Agency who needs access to the steps to carry out maintenance. .
- (iii) In order to fulfil its duty of care to others using the premises, the Council considers the following actions reasonable: the maintenance of public liability insurance; risk assessments; the erection of a sign similar to that below and the carrying out of inspections of the premises

which, if they reveal that any equipment is left at the wharf, the Council will serve notice on the owner for its removal.. If this does not happen, the Council will remove the equipment and claim the costs back, through re-sale if necessary, from the owner.

### **WARNING NOTICE TO ACT AS A SAFEGUARD**

#### **“Occupiers Liability Act 1984**

**Warning – these premises may be dangerous due to the unauthorised storage /abandonment of equipment and users of the area should take adequate precautions to secure their own safety in such circumstances.**

**This warning is given by the Bury Parish Council to protect from these possible dangers.”**