

MEMORANDUM OF UNDERSTANDING

between

THE HAWICK COMMON GOOD FUND

and

THE ROADS AUTHORITY

2015

HCG100/1C/KS

Subjects: Common Haugh, Hawick

The Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

MEMORANDUM OF UNDERSTANDING

Between

SCOTTISH BORDERS COUNCIL constituted under the Local Government etc (Scotland) Act 1994 and having their Council Headquarters at Newtown St Boswells, Melrose as administrators of THE HAWICK COMMON GOOD FUND

and

SCOTTISH BORDERS COUNCIL constituted under the Local Government etc (Scotland) Act 1994 and having their Council Headquarters at Newtown St Boswells, Melrose as ROADS AUTHORITY in terms of the Roads Scotland Act 1984

WHEREAS

- A. THE HAWICK COMMON GOOD FUND owns the area of ground known as the Common Haugh, Hawick as shown coloured blue on the plan annexed (the "Subjects");
- B. THE ROADS AUTHORITY has surfaced and set out the Subjects as a public car park.

NOW IT IS HEREBY MINUTED AS UNDERSTOOD that:

1. USE

- 1.1 The Hawick Common Good Fund allows, and shall continue to allow, the use of the Subjects by the Roads Authority as a public car park.
- 1.2 The Hawick Common Good Fund reserves the right to use all or whole of the Subjects for purposes other than car parking, to include, but not limited to, markets, fun fairs and community events, which events shall be overseen and managed by or on behalf the Hawick Common Good Fund
- 1.3 Any rental or other income obtained by the Hawick Common Good Fund from using the Subjects for such purposes or events shall be retained by the Hawick Common Good Fund.

2. MAINTENANCE

2.1 The Roads Authority shall carry out cyclical inspection and repair of the following assets at the Subjects:-

- (a) the car park surface;
- (b) the drainage gullies;
- (c) the street lighting; and
- (d) the white lines.

2.2 The Roads Authority shall maintain the aforementioned assets, on a prioritisation process, all to a similar standard as the Roads Authority applies across its entire adopted road network.

3. ACCESS

The Roads Authority shall be permitted access to the Subjects at all times to carry out the maintenance functions referred to in Clause 2.1 and 2.2 above, provided that all reasonable endeavours shall be used to minimise disruption to the public use of and access to the Subjects.

IN WITNESS WHEREOF these presents typewritten on this and the preceding page are executed as follows:

For THE SCOTTISH BORDERS COUNCIL as ROADS AUTHORITY by

Authorised Signatory

Name in Full

Designation

at Council Headquarters, Newtown St Boswells

on

in the presence of:

Witness Signature

Witness Full Name

Witness Address Council Headquarters, Newtown St Boswells

For THE SCOTTISH BORDERS COUNCIL as administrators of HAWICK COMMON GOOD FUND by

Authorised Signatory
Name in Full
Designation
at
on
in the presence of:
Witness Signature
Witness Full Name
Witness Address
.....
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