

From: Brown, Andrew  
Sent: 31 October 2014 10:04  
To: 'graeme.nisbet@harpermacleod.co.uk'  
Subject: Historic Boat Co Ltd (now dissolved) Spirit of the Tay  
BV/1324/14 + FOR362/333149

Dear Graeme

I refer to the above resting with our phone conversation on 29 August.

You were to speak to your clients about the suggestion that appropriate valuation advice be obtained so that we could then take informed decisions and demonstrate an audit trail. Could I have an update please as to how things stand and when I might expect to hear from you.

Kind regards

Andrew



**Brown, Andrew**

---

**From:** Graeme Nisbet [graeme.nisbet@harpermacleod.co.uk]  
**Sent:** 23 March 2015 15:29  
**To:** Brown, Andrew  
**Subject:** FW: Tay Steamer  
**Attachments:** Tay Steamer feenote (2).pdf; 7215Tay Steamer.pdf

Andrew,

For information. Let me know if this is sufficient for your purposes (in terms of the report being addressed to QLTR).

Kind regards,

Graeme

**Graeme Nisbet**  
**Partner**

Tel: +44 (0)141 227 9308  
Mob: +44 (0)776 817 7112  
Fax: +44 (0)141 229 7251



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The Ca'd'oro 45 Gordon Street Glasgow G1 3PE  
[www.harpermacleod.co.uk](http://www.harpermacleod.co.uk)



---

**From:** Partnership Secretary [mailto:admin@murraycormack.com]  
**Sent:** 23 March 2015 15:15  
**To:** Graeme Nisbet  
**Subject:** Tay Steamer

Dear Graeme,

Thanks for your email.

I attach amended report & feenote as requested.

Kind regards,

Isla Witherow (Partnership Secretary)  
**Murray Cormack Associates** Naval Architects & Surveyors  
(Head Office): Old Bank House, Innellan, Argyll, PA23 7TP  
Tel: +44 (0) 1369 830210  
Fax: +44 (0) 1369 830790  
Email: [admin@murraycormack.com](mailto:admin@murraycormack.com)  
Website: [www.murraycormack.com](http://www.murraycormack.com)

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# MURRAY, CORMACK ASSOCIATES

(SCOTTISH OFFICE)

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Innellan,  
Argyll PA23 7TP.  
Scotland, U.K.

Tel: +44 (0)1369 830210  
Fax: +44 (0)1369 830790

INVOICE No. CS/094/1415

Date 23.03.15

## FEE NOTE

Re: *Tay Steamer*  
Survey Ref: CS/7/215

To attending at Dalerb, Loch Tay on 12.03.15, carrying out inspection of vessel, making various background enquiries and reporting with photographs

900.00

Expenses - 162 miles @ £0.63 per mile

102.06

**Sub total**

**£1002.06**

**VAT @ 20%**

**£200.41**

**Total**

**£1202.47**

**Bank Details:-**

Sort Code - 82-62-21, A/C No - 70401162 IBAN - 48CLYD82622170401162



V.A.T. Reg No. 264 5539 40

TERMS - NET 14 DAYS

NO RECEIPT WILL BE ISSUED UNLESS SPECIFICALLY REQUESTED



# MURRAY, CORMACK ASSOCIATES

(SCOTTISH OFFICE)

NAVAL ARCHITECTS - SURVEYORS - CONSULTANTS

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Argyll PA23 7TP.  
Scotland, U.K.

Tel: +44 (0)1369 830210  
Fax: +44 (0)1369 830790

CS/094/1415

INVOICE No.

23.03.15

Date

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**Survey Ref: CS/7/215**

## FEE NOTE

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V.A.T. Reg No. 264 5539 40

TERMS - NET 14 DAYS

NO RECEIPT WILL BE ISSUED UNLESS SPECIFICALLY REQUESTED





**Brown, Andrew**

---

**From:** Graeme Nisbet [graeme.nisbet@harpermacleod.co.uk]  
**Sent:** 23 March 2015 13:47  
**To:** Brown, Andrew  
**Subject:** FW: Tay Steamer  
**Attachments:** 7215Tay Steamer.pdf; 7215Tay Steamer photofile.pdf; Tay Steamer feenote.pdf

Hi Andrew,

See below/attached.

I have scanned the report briefly but need to review in more detail. As you will see, the prognosis does not look very good.

I will also need to get the report addressed to both FCS and QLTR (as per my original instruction). In the interim, I welcome any comments you may have.

Kind regards,

Graeme

**Graeme Nisbet**  
**Partner**

Tel: +44 (0)141 227 9308  
Mob: +44 (0)776 817 7112  
Fax: +44 (0)141 229 7251



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The Ca'd'oro 45 Gordon Street Glasgow G1 3PE  
www.harpermacleod.co.uk



---

**From:** Partnership Secretary [mailto:admin@murraycormack.com]  
**Sent:** 23 March 2015 12:39  
**To:** Graeme Nisbet  
**Subject:** Tay Steamer

Dear Graeme,

Thank you for your instructions in the above connection. Please find enclosed our survey report for your consideration. Should you wish a bound copy, please advise and I will post this out to you.

If you wish to discuss any points contained within the report, please do not hesitate to contact Jim Abernethy at our head office or on mobile 07771 865617, and he will be happy to assist.

We have also enclosed our feenote which we trust you will find to be in order.

Thank you once again for your instructions and if we can be of further assistance please do not hesitate to contact us.

Kind regards,

Isla Witherow (Partnership Secretary)

**Murray Cormack Associates** Naval Architects & Surveyors

(Head Office): Old Bank House, Innellan, Argyll, PA23 7TP

Tel: +44 (0) 1369 830210

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**Brown, Andrew**

---

**From:** Graeme Nisbet [graeme.nisbet@harpermacleod.co.uk]  
**Sent:** 25 August 2014 15:01  
**To:** Brown, Andrew  
**Subject:** RE: Historic Boat co ltd (now dissolved) FC, Spirit of the Tay BV/1324/14  
**Attachments:** IMG0889.JPG; IMG0890.JPG; IMG0891.JPG; IMG0892.JPG; IMG0893.JPG; IMG0894.JPG; IMG0895.JPG; IMG0896.JPG; IMG0897.JPG; IMG0898.JPG; IMG0880.JPG; IMG0881.JPG; IMG0882.JPG; IMG0883.JPG; IMG0884.JPG; IMG0885.JPG; IMG0886.JPG; IMG0887.JPG; IMG0888.JPG

Dear Andrew,

I refer to previous emails.

FC have no formal information on the current value of the hull (or associated super structure). They have, however, pointed out that the hull is approximately 111ft from bow to stern. It is believed that it is about 60 tonnes, but FC are not sure whether that includes some of the other bits on site, or just relates to the hull.

From their initial enquiries FC have been informed that scrap steel is worth about £115 per tonne and, if so, this would equate to around £6,900 - although possibly under deduction of costs associated with cutting it up and transporting off site. I gather, however, that the propeller weighs a considerable amount and is made from phosphor bronze, which could have a separate value (apparently £212/tonne).

I attach a series of photographs taken on 22 August showing the current condition of the hull (and its current location).

I look forward to hearing from you further.

Kind regards,

**Graeme Nisbet**  
**Partner**  
**Harper Macleod LLP**  
**Direct Dial: 0141 227 9308**  
**Mobile: 07768 177 112**  
**Direct Fax: 0141 229 7308**

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Tel: +44 (0) 141 221 8888 Fax: +44 (0) 141 226 4198

Also at:

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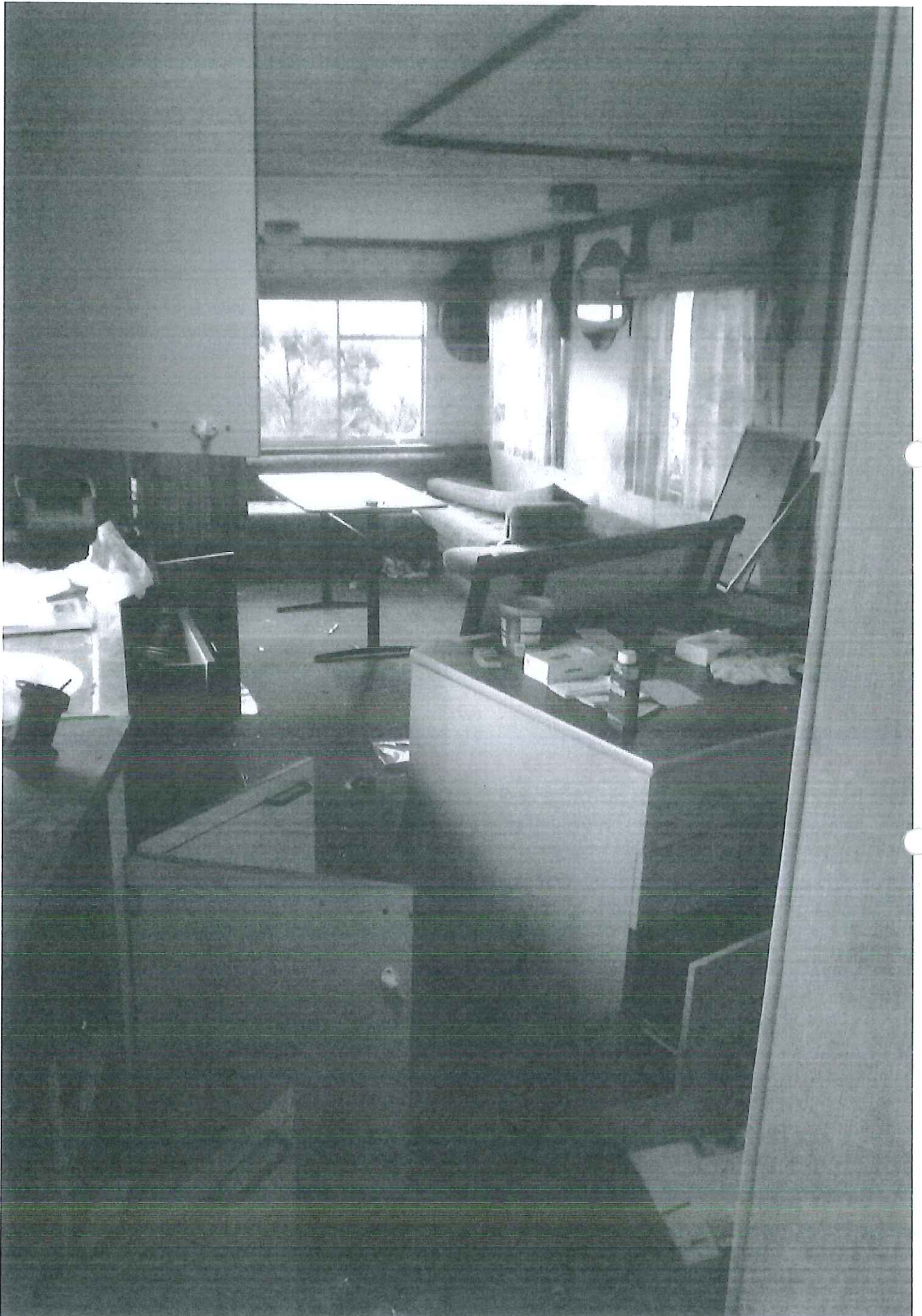
**From:** Brown, Andrew [mailto:Andrew.Brown@copfs.gsi.gov.uk]  
**Sent:** 18 August 2014 15:19  
**To:** Graeme Nisbet  
**Subject:** Historic Boat co ltd (now dissolved) FC, Spirit of the Tay BV/1324/14

Dear Graeme

29/08/2014





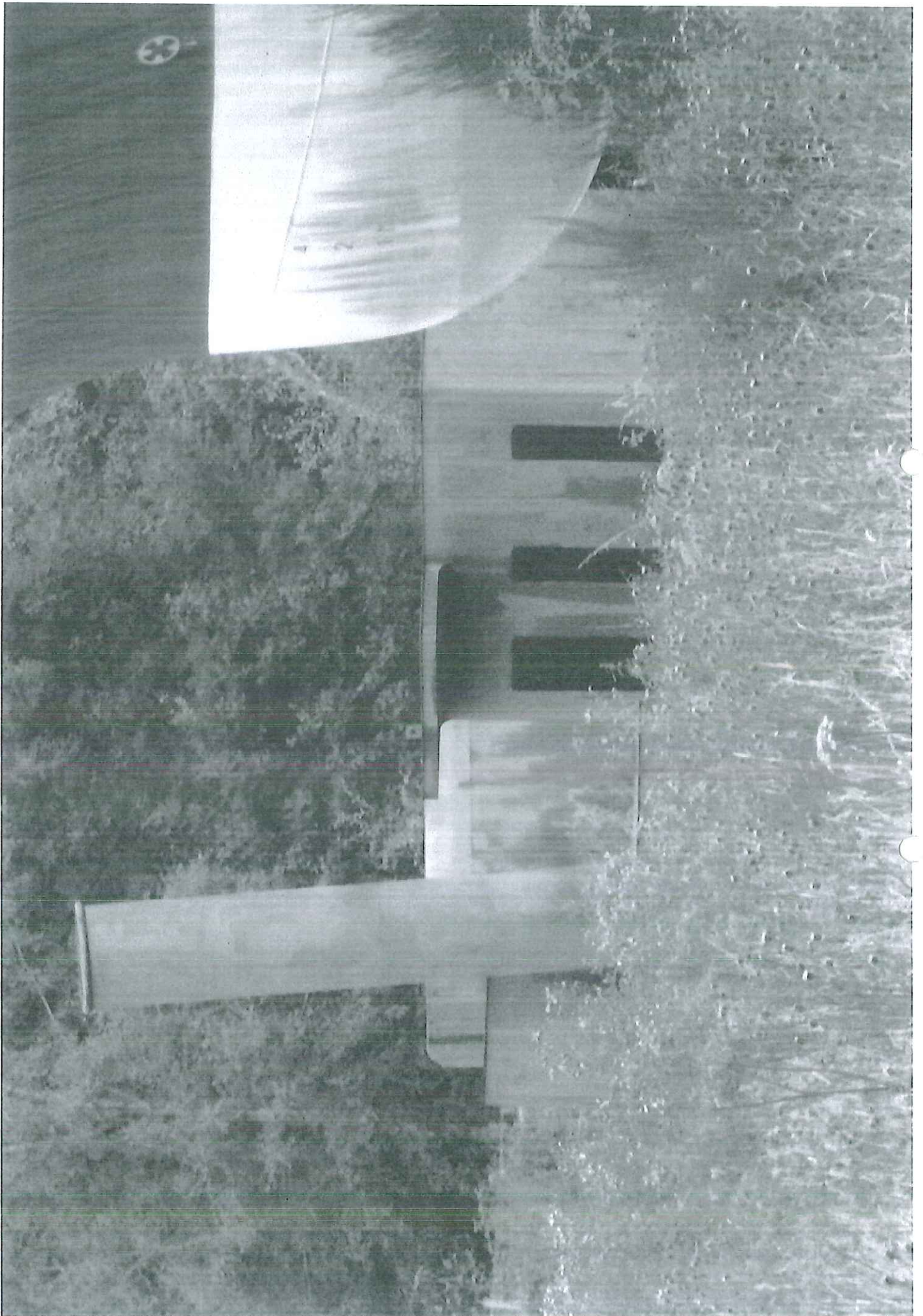




**LOCH TAY  
CRUISES**



**↑ REFRESHMENTS**

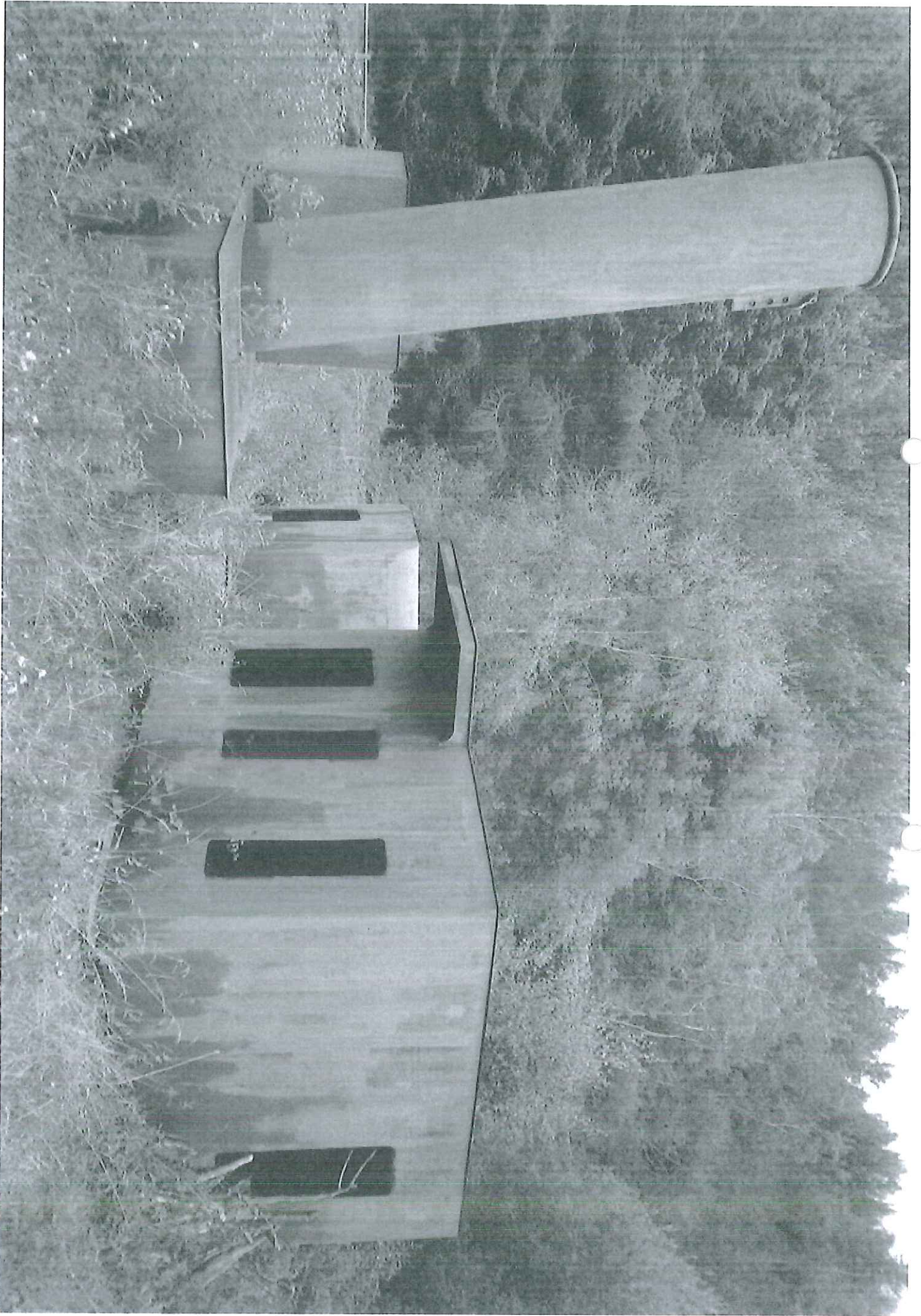






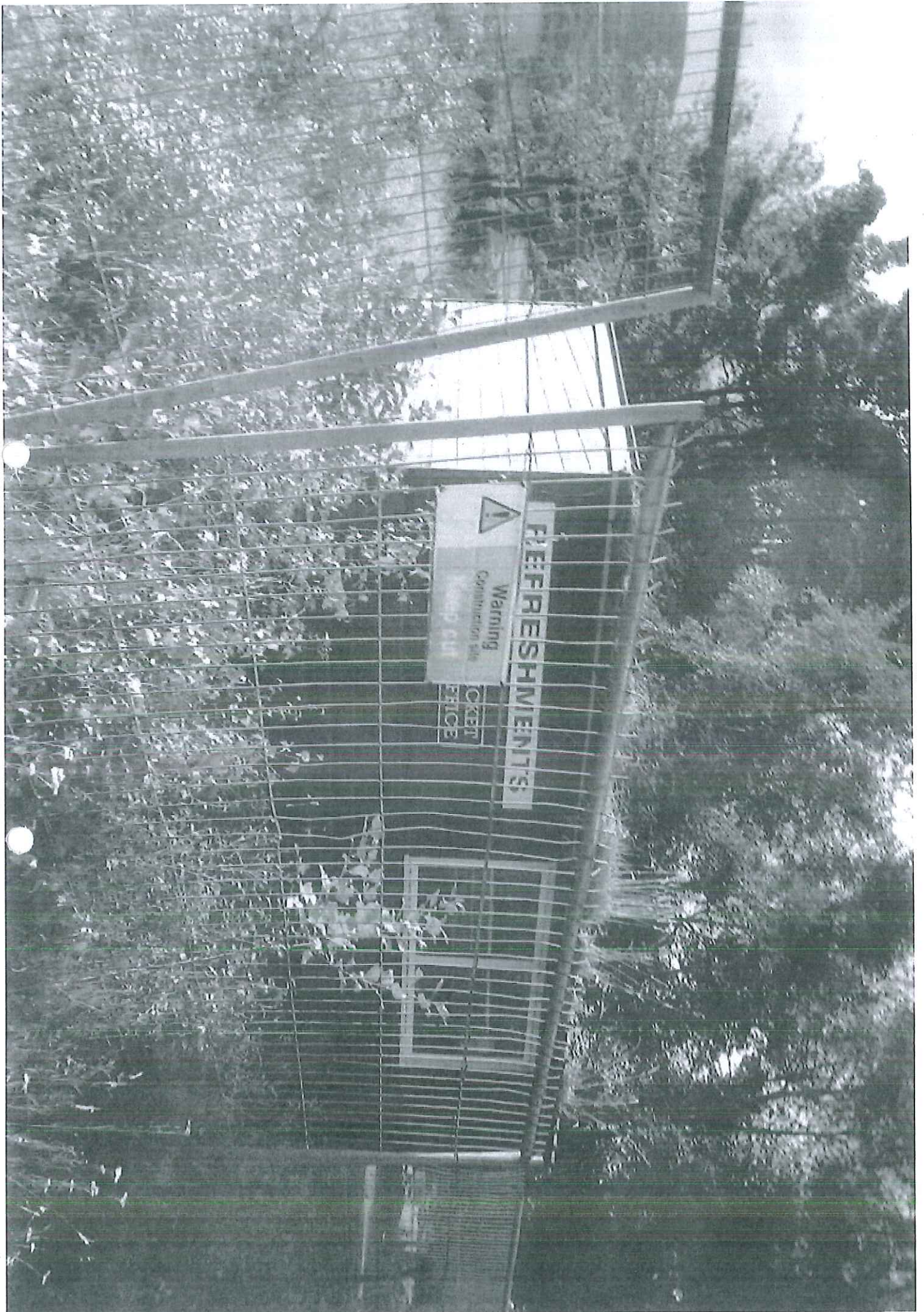














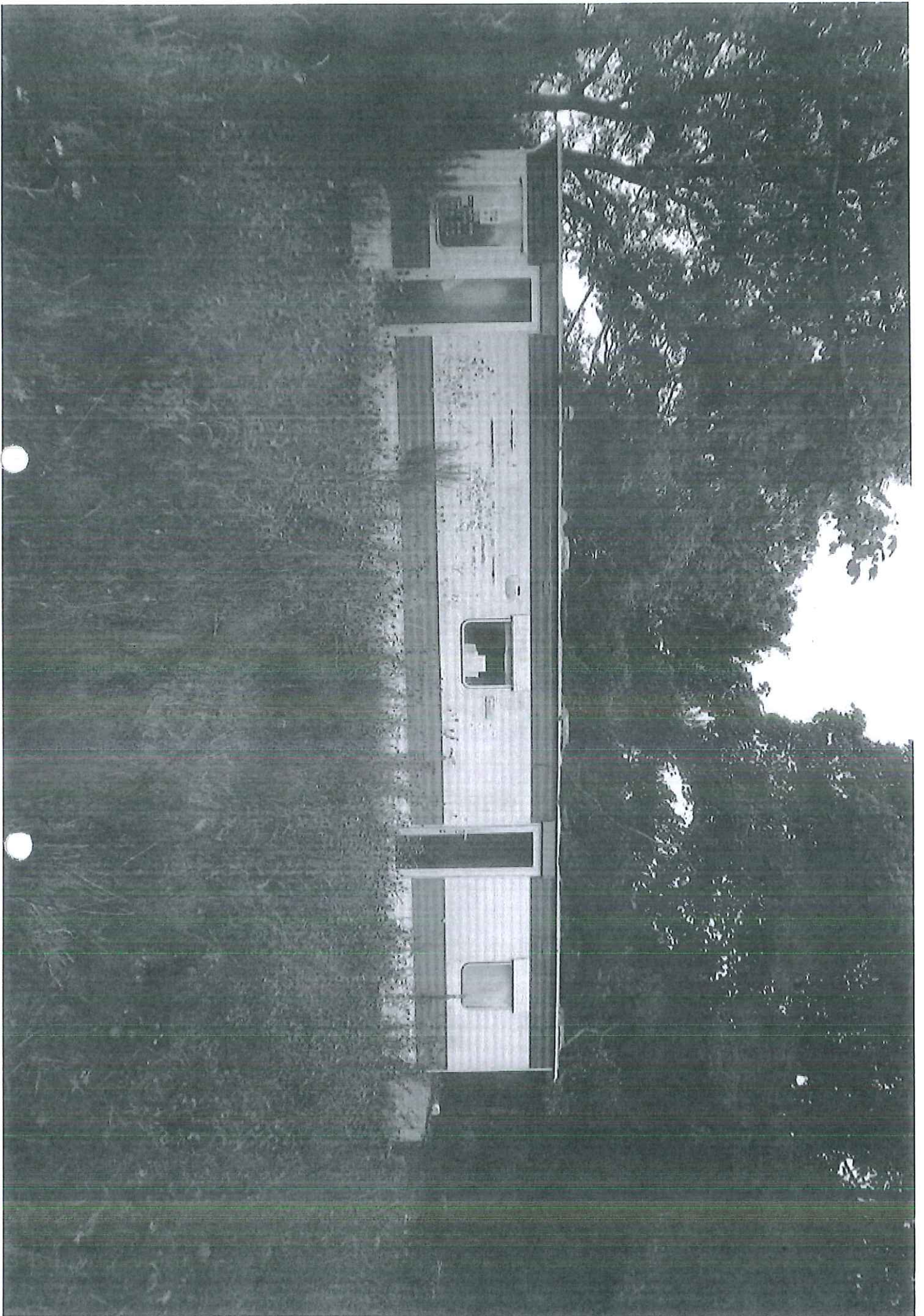












C

O

BV/1324/14

**Brown, Andrew**

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**From:** Graeme Nisbet [graeme.nisbet@harpermacleod.co.uk]  
**Sent:** 18 August 2014 18:20  
**To:** Brown, Andrew  
**Subject:** RE: Historic Boat co ltd (now dissolved) FC, Spirit of the Tay BV/1324/14

Dear Andrew,

Many thanks for your email. I have asked clients to confirm what (if any) pictures and/or valuation information they hold and will update further as soon as possible.

Kind regards,

*noted*  
AB 19/8.

**Graeme Nisbet**  
**Partner**  
**Harper Macleod LLP**  
**Direct Dial: 0141 227 9308**  
**Mobile: 07768 177 112**  
**Direct Fax: 0141 229 7308**

The Ca'd'oro 45 Gordon Street Glasgow G1 3PE

Tel: +44 (0) 141 221 8888 Fax: +44 (0) 141 226 4198

Also at:

Edinburgh and Inverness

---

**From:** Brown, Andrew [mailto:Andrew.Brown@copfs.gsi.gov.uk]  
**Sent:** 18 August 2014 15:19  
**To:** Graeme Nisbet  
**Subject:** Historic Boat co ltd (now dissolved) FC, Spirit of the Tay BV/1324/14

Dear Graeme

Thank you for your letter of 13 August regarding the above.

To assist our consideration of your approach would it be possible to have a couple of photos of the boat please (a couple should do as if too many are sent they will not get through the COPFS firewall!). Have your clients any idea roughly of value (if we were to consider a sale we would need a professional valuation but if your clients have an idea helpful to hear that and the basis for it to give context to our consideration) given you indicate they are interested in purchasing it?

As you would expect the QLTR's position and options are reserved and I record that she has not entered into possession of the hull as matters stand - she is not obliged to deal with bona vacantia and has various options including a discretion to disclaim under s1013 of the Companies Act 2006.

Yours sincerely

19/08/2014





Our ref: GBN/FOR0362/333149  
Your ref:



Queen's and Lord Treasurer's Remembrancer Office  
Unit 5  
14 South St Andrew Street  
Edinburgh  
EH2 2AZ

13 August 2014

Dear Sirs

**The Scottish Ministers per Forestry Commission Scotland  
The Historic Boat Company Limited (SC235369) — Dissolved 8/5/09  
ss Spirit of The Tay (otherwise the Tay Steamer)**

We represent the Scottish Ministers per Forestry Commission Scotland ("FCS").

FCS are the owners of land at Dalerb, Loch Tay. In 2010, FCS granted a lease of part of this land to Anthony Allen. This lease is due to expire on 31 March 2015 (unless earlier terminated). The subjects currently demised to Mr Allen in terms of this lease extend to 0.237Ha and were let for the purpose of storing, fitting out, launching and/or dismantling and removing the vessel known as the Tay Steamer (otherwise ss Spirit of The Tay).

On or around 2003 Ferguson Shipbuilders Limited of Port Glasgow ("Ferguson") were commissioned by The Historic Boat Company Limited (SC235369) ("HBC") to build the Tay Steamer. We understand that the hull was built in sections and transported to the land at Dalerb for assembly. The hull of the vessel appears to have been built and assembled but a dispute subsequent arose between Ferguson and HBC in 2004 or so. As a result, work was suspended and the vessel was never completed. The hull remains on site at Dalerb.

A planning enforcement notice was served upon Mr Allen and FCS in June 2011, alleging a breach of planning control. To date Mr Allen (as tenant) has taken no steps to comply with this notice which requires the removal of the steamship, the wheelhouse and all associated infrastructure, including the ship supports from the site.

On behalf of FCS we undertook research into the ownership of the vessel with a view to opening a dialogue with the owner in relation to the same. We were able to establish that:

1. The vessel was commissioned by HBC in 2003,
2. The original directors and shareholders in HBC were Mr Allen and Mr Richard Shand,

3. HBC was dissolved on 8<sup>th</sup> May 2009 (there is another company currently known as The Historic Boat Company Limited (being SC207135) – but this company only changed name (from The Seaplane Club Limited) on 14 May 2009),
4. Ferguson have confirmed that they built the hull for HBC and that the vessel is owned by HBC (copy letter dated 30 May 2014 enclosed) – we had been seeking clarification as to whether or not Ferguson retained any claim to ownership of the vessel.
5. We separately spoke to Mr Shand who recently confirmed to us that no steps were taken by HBC to transfer ownership of the vessel to any other party prior to dissolution of that company.

In the circumstances, it appears to us that the hull of the vessel is *bona vacantia*. FCS have asked us to approach you to establish whether or not you wish to make any claim on the hull and, if so, if you would be prepared to sell the same to FCS to allow the hull to be removed from site and/or broken up so that FCS can comply with the planning enforcement notice.

We look forward to hearing from you further. Needless to say, if you have any questions or require any additional information please do not hesitate to contact Graeme Nisbet.

Yours faithfully



**Graeme B Nisbet**  
Partner  
Harper Macleod LLP

Direct Dial: 0141 227 9308  
Direct Fax: 0141 229 7308  
E-mail: [graeme.nisbet@harpermacleod.co.uk](mailto:graeme.nisbet@harpermacleod.co.uk)

3





**FERGUSON**  
**SHIPBUILDERS LIMITED**



RD300514.LET

NEWARK WORKS  
PORT GLASGOW  
RENFREWSHIRE PA14 5NG  
TELEPHONE: 01475-742300  
FAX: 01475-742416  
E-MAIL: name@fergusongroup.co.uk

30<sup>th</sup> May 2014.

Harper Macleod LLP  
45 Gordon Street  
Glasgow G1 3PE

For the Attention of Mr. Graeme Nisbet.

Dear Sirs,

FORRESTRY COMMISSION SCOTLAND  
SS SPIRIT OF THE TAY  
LAND AT LOCH TAY, PERTHSHIRE

Thank you for your letter of 29<sup>th</sup> May 2014 relating to the aforementioned vessel, Sprit of the Tay.

The hull of this vessel was built by Ferguson Shipbuilders Limited for the Historic Boat Company.

We are surprised that after so many years the Forrestry Commission are asking the same question that has been answered so often in the past.

The shareholders of the now defunct Historic Boat Company are the tenants of the land on which we believe the vessel rests. Local MSPs and other interested parties have been repeatedly advised that the vessel is owned by the Historic Boat Company. Our understanding is that shareholders live in the area and are known to the Forrestry Commission.

I hope this clarifies the matter to your satisfaction.

Yours faithfully,  
**FERGUSON SHIPBUILDERS LIMITED**

R. DEANE  
Managing Director

RD:am



Registered in Scotland No. 113454  
Registered Office: Newark Works,  
Port Glasgow PA14 5NG

VAT No. 498 0159 71



4





From: Brown, Andrew  
Sent: 27 August 2015 13:34  
To: [REDACTED]  
Subject: RE: SS spirit of the Tay BV/1324/14

Dear [REDACTED]

Thank you for your email below.

I am afraid that the QLTR is not able to offer you advice about this matter and the effect of the notice of disclaim is to end any locus that the QLTR had in the vessel. I recommend you seek your own legal advice if you consider that to be appropriate.

From what I had been told, the vessel is on land owned by the Forestry Commission. In view of your email you may want to make inquiries to them. As the QLTR has disclaimed any interest in the vessel, and has no interest in the land on which it is located, I am afraid that the QLTR cannot however assist in regard to your inquiry regarding a sale or lease of the ship or the lands.

Yours sincerely

Andrew Brown  
QLTR Office

Tel: 0844 561 3803\*

\*calls cost 7p per minute plus your phone company's access charge

-----Original Message-----

From: [REDACTED]  
Sent: 26 August 2015 22:31  
To: CO QLTR  
Subject: SS spirit of the Tay

Hello

I saw your recent notice for the part built ship SS spirit of the Tay, At the abandoned site at loch Tay owned by the historic ship company limited. Can you tell me who now owns the part built ship? Also the who owns the land and buildings at the site at dalerb loch Tay? I would like to inquire if any of these lands or ship are for sale or lease?

Many Thanks

[REDACTED]  
Sent from my iPad

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5



-----Original Message-----

From: Finlayson, Barbara

Sent: 01 July 2015 16:18

To: 'TSO Gazette - Edinburgh'

Subject: RE: 0307 E50: Request for disclaim notice to be published in 3 July 2015 edition of the Edinburgh Gazette (QLTR REF - BV/1324/14)

Hi, Sharon

Thanks for confirming.

Kind regards

Barbara

Barbara Finlayson

Assistant Solicitor to QLTR

Tel: 0844 561 3936

-----Original Message-----

From: TSO Gazette - Edinburgh [<mailto:edinburgh@thegazette.co.uk>]

Sent: 01 July 2015 16:08

To: Finlayson, Barbara

Subject: 0307 E50: Request for disclaim notice to be published in 3 July 2015 edition of the Edinburgh Gazette (QLTR REF - BV/1324/14)

Hi Barbara

Thanks for your email, the notice will publish in the Edinburgh Gazette 3rd July 2015.

Kind regards

Sharon

Sharon Barnes

Gazettes Customer Service Agent

Williams Lea

19a Weavers Court

Weavers Court Business Park

Linfield Road

Belfast

BT12 5GH

T +44 (0)2890 895135

[www.williamslea.com](http://www.williamslea.com)

-----Original Message-----

From: Finlayson, Barbara [<mailto:Barbara.Finlayson@copfs.gsi.gov.uk>]

Sent: 01 July 2015 15:43

To: TSO Gazette - Edinburgh

Subject: Request for disclaim notice to be published in 3 July 2015 edition of the Edinburgh Gazette (QLTR REF - BV/1324/14)

Barbara Finlayson  
Assistant Solicitor to QLTR  
Tel: 0844 561 3936

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The Edinburgh Gazette  
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Edinburgh  
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Telephone: 0844 5613936  
Fax: 0844 5614276  
Email – [coqltr@copfs.gsi.gov.uk](mailto:coqltr@copfs.gsi.gov.uk)

<http://www.qltr.gov.uk>

Our ref: BV/1324/14

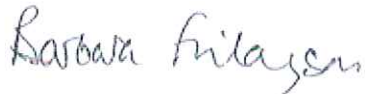
Date: 01/07/2015

Dear Sir

**THE HISTORIC BOAT COMPANY LIMITED (NOW DISSOLVED)  
NOTICE OF DISCLAIMER OF BONA VACANTIA**

We append to this letter the text of a disclaim Notice of Disclaimer of *bona vacantia* in relation to specified assets of THE HISTORIC BOAT COMPANY LIMITED executed by The Queen's and Lord Treasurer's Remembrancer on 30 June 2015 for publication in the 3 July edition of the Edinburgh Gazette. The original has been sent to the Registrar of Companies.

Yours faithfully



Barbara Finlayson,  
Assistant Solicitor for QLTR

Direct email - [Barbara.Finlayson@copfs.gsi.gov.uk](mailto:Barbara.Finlayson@copfs.gsi.gov.uk)

NOTICE OF DISCLAIMER OF BONA VACANTIA

Companies Act 2006

**THE HISTORIC BOAT COMPANY LIMITED**

WHEREAS THE HISTORIC BOAT COMPANY LIMITED, a company incorporated under the Companies Acts under Company number SC235369 was dissolved on 8 May 2009; AND WHEREAS in terms of section 654 of the Companies Act 1985 all property and rights whatsoever vested in or held on trust for a dissolved company immediately before its dissolution are deemed to be *bona vacantia*; AND WHEREAS immediately before its dissolution the said The Historic Boat Company Limited was vested in the SS Spirit of the Tay (otherwise the Tay Steamer), understood to be presently situated at Dalerb, Loch Tay; AND WHEREAS the dissolution of the said The Historic Boat Company Limited came to my notice on 15 August 2014: Now THEREFORE I, CATHERINE PATRICIA DYER, the Queen's and Lord Treasurer's Remembrancer, in pursuance of section 1013 of the Companies Act 2006, do by this Notice disclaim the Crown's whole right and title in and to the aforesaid vessel including the hull and any associated superstructure or other parts even if not attached to the hull of the vessel.

Catherine Dyer  
Queen's and Lord Treasurer's Remembrancer  
25 Chambers Street  
Edinburgh  
EH1 1LA

30 June 2015



The Stationery Office Limited is registered in England under Company No.  
3049649 at 29 St John's Lane, London, EC1M 4NA

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EDINBURGH  
EH2 2AZ

10 JUL 2015

Your Ref BV/1324/14  
Our Ref DEF/SC235369/SL  
Date 07/07/2015

Dear Sir

THE HISTORIC BOAT COMPANY LIMITED - SC235369

Thank you for your letter of 1 July.

I confirm receipt of the notice of disclaimer of Bona Vacantia for the above company.

This has now been accepted for filing.

Yours faithfully

S. Lihou  
for Registrar of Companies



Unit 5, 14 South St Andrew Street, Edinburgh, EH2 2AZ

The Registrar of Companies  
Companies House  
4<sup>th</sup> Floor Edinburgh Quay 2  
139 Fountainbridge  
Edinburgh  
EH3 9FF

Telephone: 0844 5613803  
Fax: 0844 5614276  
Email - [coqltr@copfs.gsi.gov.uk](mailto:coqltr@copfs.gsi.gov.uk)

<http://www.qltr.gov.uk>

Our ref: BV/1324/14

Date: 01/07/2015

Dear Sir

**THE HISTORIC BOAT COMPANY LIMITED (NOW DISSOLVED)  
NOTICE OF DISCLAIMER OF BONA VACANTIA**

We enclose a Notice of Disclaimer of *bona vacantia* of specified assets of The Historic Boat Company Limited executed by the Queen's and Lord Treasurer's Remembrancer on 30 June 2015 for registration.

Please acknowledge receipt and confirm registration.

Yours faithfully



Andrew Brown,  
Solicitor to the QLTR

Direct email - [Andrew.Brown@copfs.gsi.gov.uk](mailto:Andrew.Brown@copfs.gsi.gov.uk)

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