



National Association of Boat Owners

This response contains the comments and evidence provided by The National Association of Boat Owners (NABO) in October 2011 for the Department for the Environment and Rural Affairs Supplementary Consultation on A New Era for the Waterways.

The National Association of Boat Owners is dedicated to promoting the interests of private boaters on Britain's canals, rivers and lakes. NABO was formed in 1991 and represents over 3,000 boaters predominantly on the waterways operated by British Waterways and the Environment Agency.

Views of members are obtained through correspondence, Association publications, surveys, open meetings, and face to face contact with boaters at boat shows and on the waterways.

The structure of the response follows the questions asked in the consultation documents..

NABO wish to express their appreciation for the opportunity to contribute to the consultation.

Should DEFRA wish to discuss this response, the following contact should be used: Chair David Fletcher at nabochair@nabo.org.uk

Questions in section 3 – the transfer in England and Wales

Do you agree that the power for the Secretary of State and the Welsh Ministers to give directions on the sale of land assets will no longer be needed when the assets of BW in England and Wales transfer to the NWC? If not, what are the circumstances in which you envisage such directions would be needed?

Response: We agree that the powers are no longer needed.

Do you agree that the provisions in ss.73 to 75 of the 1962 Act and s.137 of the 1968 Transport Act are not needed by the NWC? If not, please explain your reasoning.

Response: We agree that the powers are no longer needed.

Do you agree that the NWC should have an enhanced statutory proposer role in relation to ministerial orders on classification and maintenance of its waterways? If not please explain your reasons.

Response: We agree that the NWC should have these powers.

Do you agree that the power of Ministers to direct the NWC under the Transport Act 1962 should be restricted to circumstances in the interests of national security? If not, what powers of direction, if any, should continue to apply to the NWC?

Response: We agree on the restriction of the Minister to direct.

You are invited to indicate and explain your preferred option in relation to the proposed FOI, EIR and transparency regime. Are there any improvements that you would like to see to the NWC's proposed transparency statement?

Response: We recommend that NWC should remain in the FOI scheme in accordance with option 3. There is considerable mistrust of BW on the part of stakeholders and we draw your attention to the web site http://www.whatdotheyknow.com/body/british_waterways as evidence of this and of the sorts of issues that citizens have reason to enquire about. NABO is not unsympathetic over the arguments presented in the consultation, with a long list of commitments made by the Trustees. What they have failed to add is a list of what NWC will not do if their proposals are accepted, and a logical justification provided. The cost of such a scheme is trivial compared to the shortfall on maintenance expenditure, and is not a critical funding decision. NABO does not accept that it is an unreasonable burden. NABO feels on balance, that the removing the transparency of FOI would be a retrograde step in the early days of NWC, and cause a good deal of scepticism amongst stakeholders just at the time when full support is needed. In due course if confidence has been achieved and demonstrated through the FOI scheme, NABO would not object to a review of this.

Do you agree that the disqualifications applying to members of the BW Board through the House of Commons Disqualification Act 1975, Scottish Parliament (Disqualification) Order 2010, and National Assembly for Wales (Disqualification) Order 2010 should not be applied to the trustees of the NWC? If not, please explain your reasoning.

Response: We agree that these disqualifications should not apply.

Questions in section 4 – Scottish provisions

Do you agree with the Scottish Government's proposal that the British Waterways Board, operational solely in Scotland, should consist of a chairman, a vice chairman and between one and four other members?

Response: We do not object

Do you agree with the Scottish Government's proposal that the British Waterways Board operating solely in Scotland should, in future, come within the scope of the following relevant Scottish legislation:

- (a) the Freedom of Information (Scotland) Act 2002;
- (b) the Environmental Information (Scotland) Regulations 2004;
- (c) the Scottish Public Services Ombudsman Act 2002

(d) and the Ethical Standards in Public Life etc. (Scotland) Act 2000?

Response: We do not object

Do you agree that the water abstraction legislation now in place in Scotland is sufficient such that the requirement for Ministerial consent in the Transport Act 1962 can now be repealed?

Response: We offer no opinion on this matter.

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