

# THE BOATER

The newsletter of the National Association of Boat Owners  
Issue number 1 - September 1991

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## NABO Gets off the Ground

On the 25th August NABO held its first open meeting in Dudley timed to coincide with the IWA's National Waterways Festival at Windmill End. The meeting was called by Syd Beacroft and Dave Green before they knew that NABO had already been formed and was originally called to consider forming such an organisation. Once they became aware of NABO a meeting was held with the founder, Phil Bland and Jon Darlington at which it was agreed to join forces. The original purpose of the open meeting was changed to an explanation of the aims and objectives of the Association and a recruiting exercise.

It was an overwhelming success with about 150 boat owners attending. They were voluble in putting forward their views and their agreement of the need for NABO. The meeting was also attended by David Stevenson and John Baylis of IWA (David is the National Chairman of IWA), David Allison the Commercial Administration Manager of British Waterways and a number of representatives of the Royal Yachting Association.

69 boat owners joined NABO on the spot (some attendees were already members) making a total current membership of over 130.

The platform was occupied by Phil Bland, Syd Beacroft, Jon Darlington and Dave Green. Both Dave and Jon made presentations to the meeting before opening the debate to questions and comments from the floor.

Dave spoke of how and why NABO had been formed and outlined its proposed objectives as contained in the draft Constitution which will be considered at the November AGM.

Jon covered some of the policy issues in more detail including the Waterways Bill, the Certificate of Compliance and dredging, or rather the lack of it.

It was stressed that NABO had been conceived as a lobbying organisation and not as a social club - a concept which was welcomed by the audience. The importance of two way communication with the membership was pointed out. This newsletter is an example of outward communication but it is vital that the membership makes its views known to the committee so that NABO policy can be truly representative - thus members are urged to write to the committee rather than wait for open meetings or AGMs since these will inevitably be few and far between. It was also envisaged that a network of regional representatives would be set up to further help communications.

There was a widespread and deeply held view amongst the audience that in many areas BW's intentions and attitudes required change although it must be remembered that there are other navigation authorities, notably the NRA, to which NABO will also need to devote attention.

Speakers from the floor indicated that they did not feel that anyone had hitherto been prepared to listen to the views of individual boat owners and that since IWA campaigned on a wider basis they were not specifically representative of the boat owners position.

Dave Green emphasised that NABO should not be looking for conflict with IWA or any other voluntary organisation but rather, whenever policy in different groups coincided, they should work in concert to form an extremely powerful lobby.

John Baylis of IWA, whilst not supporting the formation of a new body, felt that the IWA could and should work with the new association. Following the meeting David Stevenson, the IWA Chairman indicated that he too believed the two organisations could be complementary and should work together on many issues.

At the award giving ceremony of the IWA's National Waterways Festival on the day following the meeting David Stevenson announced the formation of NABO describing it as "one of three momentous events which have occurred this weekend". He called Dave Green to the front of the marquee and shook hands.

Only time will tell how closely NABO is able to work with IWA, AWCC, RYA and other organisations. NABO will certainly not let itself be diverted from its policy aims or allow itself to be "bought off" by anyone. The provisional committee believes the Association has got off to an excellent start. But it is only a start - it needs to be consolidated and expanded which can only be done through the help, support and commitment of the membership.

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## Annual General Meeting

Although NABO has been in existence for less than a year, we are holding the first Annual General Meeting on Saturday, November 23 at 2.30 pm. The venue will be The Godiva Hotel, 80/90 Holyhead Road, Coventry.

The main business of the meeting will be the adoption of the Constitution and the election of the committee.

We anticipate that the 1992 AGM will take place in August over the period of the IWA's National Waterways Festival in Wakefield. This is likely to be the pattern for the future since it will make attendance at the AGM convenient for many of our members. It also means that the meeting will move around the country each year.

This year, however, we need an AGM as soon as possible in order to get NABO on a proper democratic footing. After the business meeting there will be an open discussion on

matters of policy interest to boat owners. This is likely to concentrate on the Waterways Bill.

We hope that as many members as possible will make the effort to attend so that the new committee can be guided on the line it should be taking.

We also need nominations for the committee. Attached to the newsletter is a nomination form. Please do not be slow in coming forward. Fill it in and return it now and help shape the future development of your new association.

## Data Protection Act

To maximise efficiency in running NABO it is intended to keep membership information on a computer database. The information recorded will be limited to the information which you gave on your membership application form plus the date on which you joined NABO and the date on which your membership subscription is due for renewal. If you object to your membership details being kept on a computer in this way, please let us know.

## The Numbers Game

NABO will be seeking recognition as being representative of inland waterway boat owners with such bodies as BW, NRA, the Department of Transport, the European Commission and others. We need to establish

our credibility with these organisations as quickly as we possibly can if we are to be effective in having your views listened to.

To do so it is essential that we establish a large membership base as quickly as possible. We have got off to an excellent start with the vast majority of boat owners who attended the Dudley meeting joining on the spot but we need a membership of thousands rather than hundreds. There are a number of things you can do to help.

Firstly we are enclosing a few membership forms with this newsletter for you to circulate amongst other boat owners. There are plenty more available - just ask.

Secondly, if you are a member of a boat club or canal society could you ask whether that club would be prepared to circulate our material or allow us to use their notice board or print a letter in their magazine? Please let us have details of the club as we will be establishing a mailing list so that clubs and societies can be kept informed of our views and activities.

Thirdly, if your boat is owned jointly with someone else (spouse, friend etc) would you consider both joining? Many members have already done this. Incidentally, where we have received a membership application form showing two names (eg Mr and Mrs Smith) but have received only a single subscription, we have registered the first name on the form. If you need us to amend that then please let us know or better still register

the second person separately.

To encourage the greatest possible participation the subscription level has deliberately been kept very low although I am sure you will appreciate there is a limit to what can be done on a fiver and the committee may need to recommend an increase which would take effect as subscriptions come up for renewal. Whether that happens or not, it is possible for those who are in a position to do so to make either one-off or regular donations to the Association. Such donations would enable us to take the work forward that much quicker and would help keep the official subscription to the lowest possible level. You are of course under absolutely no obligation to make donations but if you are able to do so it would be a considerable help.

## Two into one does go!

Where we have two members registered at the same address we have put two sets of documents in one envelope in order to save on postage. If, however, you would prefer to have the two sets of documents posted separately or if one set of documents will do, please tell us.

## Committee meetings

A meeting of the provisional committee was held near Solihull on 8 September. It considered the arrangements which needed to be made for

the AGM in November and the contents of this newsletter. In addition, considerable time was devoted to developing the draft Constitution in order to get it into a form to be submitted to the AGM.

Time was also taken to discuss the NABO position on the British Waterways Bill and other campaigning issues. It was decided that a clause by clause analysis of the Bill was essential and this will be undertaken at the next committee meeting. The importance of public relations and the need to keep both the specialised and the general press informed of our activities and objectives was agreed. The meeting took all day and covered a great deal of ground.

It was agreed that the address of the Association for general correspondence until the AGM should be Dave Green's address at St Annes, Poundfield Road, Crowborough, East Sussex, TN6 2BG.

The next meeting of the provisional committee is scheduled for Saturday, 12 October at Polesworth. Any member wishing to attend this meeting as an observer is invited to contact Dave Green as above.

## Your views

The Committee are keen to take account of your views and concerns. Please write. We also hope to run a letters column in the Boater so please make it clear if you do not want your letter published. The next Boater will be published in December following the AGM.

## Introduction

Because of the number of changes and complexities that this Bill is bringing about, we will be looking at it in two parts. In this first part we shall endeavour to throw light on its provisions up to and including section 11, entitled "general terms of houseboat certificates". As the recently announced Moratorium for Houseboats is linked with this section, we will also briefly look at its implications. Section 13 of the Bill is also of direct concern and will be considered in this part.

A large amount of space is being devoted to the houseboat question mainly as a result of the Moratorium and particularly of the very short period of time given to register under it.

We as an Association do not condone the irresponsible behaviour of some boat dwellers who flout planning laws and obstruct the canals. But we would point out that whilst there are such problems in certain parts of the country, mainly in the South East, a large number of people live permanently aboard on the rest of the system causing no nuisance at all, but rather enhancing the interest of the waterways as well as their safety, by discouraging vandalism and encouraging decent towpath walkers.

Also remember that when we are on board we are all living on our boats, whether it be for a weekend or a year. The overbearing dictatorial attitude of BW, which almost makes living feel like a crime, hits at the heart of all our enjoyment and freedom - and should be vigorously resisted.

## The British Waterways Bill

A Bill 'To confer powers on the British Waterways Board to enter land and repair or maintain, or carry out other operations with respect to, the waterways owned or managed by them and other works; to confer further powers on the Board for the regulation and management of their waterways and in relation to their undertaking; to amend or repeal statutory provisions relating to the Board or their undertaking; and for other purposes.'

Thus begins the most intimidating Bill BW has ever devised and which, if passed, would significantly affect the rights of the boater.

The Bill has four parts followed by 3 schedules. Part I (containing sections 1 and 2) which is purely introductory, states that the Bill will be the BW Act of 1991 and then goes on to define some of the terms used in the Bill.

Part 2 (sections 3 to 10) deals with entry on to land. Although there are significant increases in BW powers, and petitions were considered by the House of Lords Select Committee, these matters are of no direct concern to boaters as such. Perhaps the granting of these powers to BW would, if anything, speed up or cheapen the costs of maintenance and may be an indirect benefit to the boat owner.

But it is Part III (sections 11 to 20) that is of particular interest and concern to us. Section 11 sets out the terms and conditions of houseboat certificates. Subsection 1 states that houseboat certificates issued or renewed after the passing of this Act (i.e. the Bill) shall "be subject to the general terms set out in Schedule 1 to this Act, in addition to such conditions (if any) as the Board may determine under section 14 of the BW Act 1971". Schedule 1 (General terms of houseboat certificates) is fairly onerous and has requirements under 14 headings. It is expected that certificates will be granted for 3, 5, or 7 years, and the grant of a certificate will bestow a right on the houseboat owner to moor at a particular site for the period stated.

Note that it will still be under the BW Act of 1971 that British Waterways are entitled to issue houseboat certificates.

Subsection 2 gives details of how BW may "prescribe such further general terms as they think fit" to Schedule 1, following consultation with IWAAC and "such organisations as appear to the Board to represent a substantial number of such owners of houseboats as may be affected". Subsections 3 and 4 basically relate to how the terms and conditions shall be made available for inspection.

Subsection 5 makes certain very minor alterations to the BW Act of 1971. But one alteration to s.15(1) of that Act is suspicious. S15(1) states "There shall be paid to the Board for the registration of every houseboat (whether in use or not) on an inland waterway and for every renewal of the houseboat certificate such charge as the Board may from time to time determine". The alteration deletes "and for every renewal of the Houseboat certificate". This might mean BW are being generous, altering the Act to allow renewals to be free of charge, or might it be to remove the implication that a renewal will be forthcoming?

Indeed there appears to be no requirement for BW to renew a certificate on the expiry of an old one, even if there are no changes to the circumstances of the site and locality, or of the condition of the boat. It will be possible therefore, if BW fully exercises its power, to effectively make people homeless without any reason at all even if they comply with all requirements. This is clearly unacceptable. We would wish for a provision to be included in the Bill to this effect:-  
"Where a houseboat certificate has been issued and is due for renewal, such renewal shall not be withheld by the Board without good cause".

Section 13 is of fundamental concern to the houseboat question since it makes contravention of section 13, subsection 1 of the BW Act of 1971 a criminal offence. This section of the 1971 Act is the one which requires that a houseboat certificate is issued to houseboats. See the section below devoted to s13 of the BW Act of 1971.

So, from the passing of this Bill, it will be a criminal offence and, on summary conviction in a Magistrates Court, liable to a fine (and in the case of a continuing offence a daily fine) if you have a houseboat without a valid houseboat certificate.

## The Moratorium for houseboats

BW acknowledge that a full regime of certification cannot be imposed immediately without causing hardship, and as a consequence of this they have issued a Moratorium for houseboats. This was placed before the House of Lords select committee in the form of a written undertaking, presumably so that their generosity would weaken criticism against them. Because of procedural and legal difficulties it was withdrawn as such, and replaced by a statement of intent backed by a means of arbitration.

Essentially the moratorium allows people with houseboats (but without a current certificate) who register under the Moratorium, an amnesty till May 1996 during which period they will not be evicted from the canal. But there are a number of conditions, the compliance with which will be necessary in order to claim amnesty. The appendix contains the full details of these conditions.

Furthermore, the Board states that it cannot provide enough sites to guarantee a mooring for all current houseboat owners and regards the provision of moorings as primarily a matter for the private sector, since residential moorings are preferably off the line of the canal or river. It seems then that BW are not going to try very hard to find such moorings, which might lend weight to those who suspect BW simply want to remove those that live on boats. It appears certain that there will not be enough houseboat moorings to go round.

BW have advertised the moratorium and have set the 31st October as the last date of registration. This unnecessarily short time to register in requires a quick decision of whether to register or not. Unfortunately there are risks either way.

Firstly the moratorium is only for houseboats, but if you do register you will almost certainly be effectively admitting that you have a houseboat, even if you haven't, which could be used as evidence against you. Indeed the legal definition of houseboat is such that your registration might be the only evidence that it is a houseboat! It is conceivable that if a suitable mooring is not found by the end of the moratorium, or if you do not meet the conditions of the Moratorium, and this is quite possible, you would be first in line for eviction.

This is borne out by the BW Guide to the Moratorium which says "If you do register and if you later lose the protection of the Moratorium because you do not satisfy the conditions...you will have declared yourself as being unauthorised. As a result, the appropriate enforcement action could follow".

If you do not register, you are liable at any time to a month's notice to remove the vessel, which has been the case since 1st July 1971. Also, if the Bill becomes law there is the possibility of appearing before the Magistrates incurring a heavy fine as well.

But is your boat a houseboat as defined by the BW Act 1971? To help you decide, read "Is your boat a houseboat?"

The requirements of section 13 of the BW Act of 1971

Section 13 subsection 1 of the 1971 Act states that "it shall not be lawful to ~~moor, place, keep or maintain~~ any houseboat in an inland waterway (whether or not the houseboat shall have been so moored or placed before the passing of this Act) unless a certificate (in this Act referred to as a houseboat certificate) in relation to it is then in force".

The remedy they have if you do ~~moor, place, keep or maintain~~ houseboat on an inland waterway in a manner contrary to the 1971 Act, is to give you at least 28 days notice in writing to demolish or remove the houseboat or comply with the Act. There will be the additional criminal offence as mentioned above on the passing of the Bill.

There is no mention of living on a houseboat being an offence under this Act.

But BW appear to be implying that any one living on a boat is using it as a houseboat and therefore requires a houseboat certificate. This is borne out by their advertisements for the Moratorium in which they ask "are you using a vessel as a houseboat without a valid houseboat certificate?" They even say "Section 13 of the British Waterways Act 1971 states that any boat being used as a houseboat must have a valid houseboat certificate". Compare BW's interpretation of s.13 with the real thing above!

BW are clearly misleading us since under this Act you cannot be living on board your boat illegally, you can only be placing, keeping or maintaining it illegally. This is a subtle but an important difference.

We would point out that under the General Canal Byelaws no vessel shall be used as a dwelling or houseboat, but this is another story and has nothing to do with the Moratorium for houseboats or the BW Act of 1971.

Is your boat a houseboat?

What is a houseboat? How do you know if your vessel is a houseboat? Well the 1971 Act defines a houseboat as "any boat or barge or any vessel or structure (or any part or remains or wreckage thereof) whether or not the same shall be used or intended to be used for human habitation - but does not include any boat, barge, vessel or structure which is bona fide used for navigation." There are other odd exemptions which are not important. Bona fide is defined in the Concise Oxford dictionary as "genuinely, sincerely"

As far as the Act is concerned, a boat is ~~not~~ a houseboat if it is genuinely or sincerely used for navigation. Therefore in determining if your boat is a houseboat or not, the only question that has to be answered is "Is this boat genuinely or sincerely used for navigation?" Whether you live on it or not is irrelevant.



To navigate is, again according to the Concise Oxford Dictionary, to sail over or up or down (sea, river); manage, direct course of, (ship or aircraft). So whilst the words sincerely and genuinely indicate an intent of honesty, 'navigation' is an activity to which they are not readily applied. Comparison can however be made with other forms of transport. For example, can you sincerely and genuinely drive a car? You might argue that you can, since you might drive recklessly, or be drunk, or drive without due care and attention, and thereby be driving "insincerely".

I would suggest therefore that the sincerity of your navigation can be judged only by the manner in which you carry it out, rather than by the reason for undertaking the navigation.

There is also no prescribed minimum number of times a boat must be bona fide used for navigation. There are people who rarely take their boats off the mooring who just come down at the weekend for a break. These boats are closer to the definition of houseboats than those where people are living aboard but travel around the system.

So if you do use your vessel bona fide for navigation, whether you live on it or not, it is not a houseboat under the legal definition and you should not register under the Moratorium.

Further reading:

Publication:

Available from:

The British Waterways Bill

R.J.Duffy, BWB, Greycaine Rd  
Watford WD2 4JR  
Cost: 70p at Feb '91

Report from the Select Committee  
on the BW Bill

HMSO, 51 Nine Elms Lane  
London SW8 5DR  
Cost: £5.25 inc p&p

British Waterways Act 1971

Central Public Libraries  
Ask for Local and Personal  
Acts 1971 chapter 18

The Right to Moor

J.E.Price, PO Box 99  
Coventry CV5 9RF  
Cost: £4.50 inc p&p

If you wish to petition against the Bill, you can write to the Private Bills Office at the House of Commons, London SW1A 0AA for their free DIY kit "How to petition against a private bill in the House of Commons".

## APPENDIX

### STATEMENT OF INTENT AS TO UNAUTHORISED HOUSEBOATS

The Board will as soon as possible establish registers of owners of unauthorised houseboats (that is, houseboats in relation to which no houseboat certificates are in force, and which were on any of the Board's waterways on 1 May 1991, and which have remained on them since that date) who require permanent moorings for their houseboats, and will publish advertisements inviting owners to have their names entered on the registers. Further, the following procedures will be adopted:

1. The Board will not bring any enforcement proceedings under section 13 of the British Waterways Act 1971 in the period expiring five years from 1 May 1991 in respect of any unauthorised houseboat owned by a person whose name is on a register ("a relevant owner") unless at any time during that period—

- (a) the presence of the houseboat, or any appliance or item of equipment provided in connection with it, is causing either:
  - (i) obstruction or danger to navigation; or
  - (ii) pollution of the inland waterway or noise nuisance or atmospheric pollution; or
  - (iii) interference with a site designated by the Board for another use; or
- (b) the houseboat, or any such appliance or item of equipment, is having a detrimental effect on the amenity of the locality where the houseboat is situated; or
- (c) the houseboat is unfit for human habitation or is inherently unsafe; or
- (d) the houseboat is on a mooring for which planning permission has been refused; or
- (e) the removal of the houseboat is necessary to facilitate any development for which either there is an existing planning permission or for which planning permission is granted on or before 30 April 1996; or
- (f) there has been a serious and continuing breach by the owner or occupants of the houseboat of any of the conditions subject to which the Board has allocated a temporary mooring to the houseboat and the owner or occupants has or have failed to remedy it after being given notice by the Board so to do; or
- (g) the owner of the houseboat has been offered an alternative temporary or permanent mooring or moorings and has unreasonably refused such offer or offers.

If it is not necessary for a houseboat to be moved for one of the reasons specified in sub-paragraphs (a) to (g) above, the Board will treat the location at which the boat is moored as a temporary mooring (and will be free to charge accordingly).

2. The Board will make reasonable efforts to secure, at sites provided by the Board or others, sufficient alternative temporary moorings, for the period expiring five years from 1 May 1991, for unauthorised houseboats owned by relevant owners which are unable to remain at moorings occupied on the date of this statement of intent by reason of any or all of the matters referred to in sub-paragraphs (a)(i) and (iii), (b), (d) and (e) of paragraph 1 above, provided that the Board will not make such efforts in relation to a particular relevant owner after such time as the Board determine that there is no reasonable prospect of securing further temporary moorings for that owner on the waterways for which that owner is registered.

3. The Board will make reasonable efforts to secure, at sites provided by the Board or others, sufficient permanent moorings for unauthorised houseboats which have either (a) not been required to move under any of sub-paragraphs (a) to (g) inclusive of paragraph 1 above or (b) who have been allocated alternative temporary moorings pursuant to paragraph 2 above. After a permanent mooring has been accepted by a relevant owner, his name will be deleted from any of the said registers upon which it has been entered.

4. The Board will make all necessary planning applications required to give effect to these intentions.

5. The Board makes this statement on the basis that it is not to be enforceable against it in any court of law, however the Board intends to refer any dispute between it and a relevant owner on any of the grounds mentioned in any of sub-paragraphs (a)(ii), (b), (c), (f) or (g) of paragraph 1 of this statement as to whether those grounds or any of them exist to a panel consisting of the Chairman of the Inland Waterways Amenity Advisory Council (IWAAC) or a person nominated by him and one representative each of:

(a) the Board; and

(b) a body appearing to the Chairman of IWAAC to be representative of a substantial number of houseboat owners;

and the Board further intend to abide by the decisions of the said panel.

*NOTE This statement is not an undertaking to the Committee of the House of Lords to which the Bill is referred but the Board have given an undertaking to the Committee concerning paragraph 5 of this statement.*

6 June 1991

#### UNDERTAKING AS TO UNAUTHORISED HOUSEBOATS

The Board undertakes to the Committee to put into effect their intentions as expressed in paragraph 5 of the statement of intent made on their behalf before the Committee on 6 June 1991.

6 June 1991

**NATIONAL ASSOCIATION  
OF BOAT OWNERS**

**Notice of  
Annual General Meeting**

The first Annual General Meeting of the National Association of Boat Owners will be held on Saturday, 23 November 1991 commencing at 2.30 pm at the Godiva Hotel, 80/90 Holyhead Road, Coventry.

**AGENDA**

1. To receive a report from the provisional committee
2. To consider, amend and adopt the draft Constitution (copy attached to this notice)
3. To elect the Management Committee
4. To determine the subscription rate to apply from 1 December 1991
5. To appoint an auditor to audit the accounts from the date of formation up to 31 March 1992
6. To consider any resolutions put forward by the provisional committee or members in accordance with the Constitution. Any resolutions received will be circulated to members prior to the meeting.

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Any member wishing to put forward a Resolution for consideration by the AGM should send it, seconded by another member, to Dave Green, St Annes, Poundfield Road, Crowborough, East Sussex, TN6 2BG to arrive no later than 11 October 1991.

After the AGM proper, there will be an open discussion on policy matters of interest to boat owners including the Waterways Bill.

Non-members will be welcome to attend both the AGM and the open discussion. They will not, however, be allowed to vote at the AGM or to speak at either the AGM or the open meeting. Members joining after 11 October 1991 will not be eligible to vote at the AGM.

# THE NATIONAL ASSOCIATION OF BOAT OWNERS

## CONSTITUTION AND RULES

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1. The Association shall be known as the National Association of Boat Owners
2. The objects of the Association shall be as follows:
  - a) to provide effective representation for owners of vessels on Britain's Inland Waterways on any subject or matter which is relevant to the owners of such vessels.
  - b) to organise events, demonstrations, rallies or other activities which in the opinion of the Management Committee, will further the object in clause a) above, but not to organise or actively engage in any event which would in the opinion of the Management Committee bring the Association into disrepute.
3. In furtherance of the above objects, the Association shall have the following powers:
  - a) to assist financially or otherwise any appropriate bodies whether official or otherwise;
  - b) to promote by visits, meetings, publications, exhibitions or lectures, any of the above objects;
  - c) to secure publicity for the promotion of the objects of the Association;
  - d) to purchase or take on lease or in exchange, hire or otherwise acquire in any manner any real or other property;
  - e) to do all such other things as will further the attainment of the above objects.
4. All persons supporting the above objects of the Association as defined in clause 2, and owning a vessel capable of use on the Inland Waterways shall be eligible for membership subject to:
  - a) the persons not being corporate bodies or being representatives of such businesses or organisations whose aims may be, in the opinion of the Management Committee, incompatible with the objects of the Association.
  - b) being admitted by the Management Committee as members. The Committee shall have power to refuse any membership application, and no reason need necessarily be given, unless a formal request for a reason is made.
  - c) agreeing to being bound by this Constitution.
  - d) paying the subscription fee.
5. The Management Committee shall have power to elect to membership any other person they consider suitable for membership, subject to s4.c)
6. The Association shall:
  - a) provide membership application forms.
  - b) provide a copy of this Constitution on request to any new member or anyone seeking membership.
  - c) levy and collect membership subscriptions as they fall due.
7. Membership of the Association shall lapse two months after failure of a member to renew his or her subscription.
8. The management of the Association shall be carried out by a Management Committee herein after referred to as "the Committee".
  - a) The Committee shall consist of not less than four and not more than twelve Association members.

THE NATIONAL ASSOCIATION OF BOAT OWNERS

CONSTITUTION AND RULES CONTINUED

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- b) The Committee shall elect the Association's Officers who shall comprise a Chairman, Vice Chairman, Secretary and Treasurer. An Officer's title, eg "Chairman", describes the job, not the sex of the holder.
  - c) Members of the Committee shall be elected at the AGM and shall retire every year, but may offer themselves for re-election.
  - d) Those seeking election or re-election to the Committee shall be nominated by a proposer and seconder who shall be fully paid up members. The persons nominated shall endorse their willingness to stand for election. Nomination forms must be received by the Secretary not less than forty two days before the AGM.
  - e) In the event of a contested election a ballot of those present shall be held and two tellers appointed to collect and count the votes.
  - f) No member of the Committee shall currently be, or have been in the last 12 months prior to appointment to the Committee, a member of any management committee, or board of Directors or have held any position of influence during that time in any organisation which represents any user group connected with the Inland waterways, or any organisation which obtains income from the Inland Waterways or from activities connected with the Inland Waterways.
9. The Annual General Meeting of the Association shall be held each year to:
- a) Receive the Chairman's report.
  - b) Receive audited financial statements for the previous financial year ending on 31st March.
  - c) Determine the Annual Subscription rates.
  - d) Elect the Committee members.
  - e) Appoint an Auditor. The auditor shall be a member of a Professional Body recognised by the Companies Act 1985 as Auditors, but need not be currently registered as an auditor. The auditor must not be an Officer of the Association or a member of the Committee.
  - f) Consider any proposed alterations to the Constitution.
  - g) Deal with business brought forward by the Committee or members' resolutions. Such resolutions duly proposed and seconded must be received by the Secretary not less than forty two days beforehand, and shall be circulated to all members before the meeting.
- 9a. Members joining the Association less than 42 days before the AGM shall not be entitled to vote at that AGM.
10. A notice convening the AGM shall be sent to all members, together with an Agenda no less than twenty one days before the date of the meeting.
11. A Special General Meeting may be called by sending to the Committee a resolution or resolutions signed by at least 25 members, to be held within eight weeks of receiving such a resolution or resolutions.
- a) Notice convening this meeting shall be circulated to all members not less than fourteen days before the date of the meeting.
  - b) The meeting shall consider the resolution or resolutions referred to above but shall conduct no other business.
12. Only fully paid up members over the age of eighteen years may vote at any General Meeting.
13. The Chairman shall call a meeting of the Committee as required but not less than once every three months.

THE NATIONAL ASSOCIATION OF BOAT OWNERS

CONSTITUTION AND RULES CONTINUED

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- a) A special meeting of the Committee may be called on the written application of at least three of the Committee members.
- b) Any member of the Committee absenting himself or herself for three consecutive meetings without reason acceptable to the Committee shall be deemed to have resigned from the Committee.
- c) The Quorum at a meeting of the Committee shall be half the number of the Committee members holding office at that time, but shall never be less than three, and shall include one of the Association's Officers.
- d) Vacancies on the Committee may be filled by the Committee, and any Association member thus co-opted holds office until the next AGM.
- e) The Committee may make rules of procedure not at variance with this Constitution
- f) The Committee is authorised to prepare a news sheet and other matter for members benefit
- g) The Committee may exclude from membership any member if there is evidence that the actions of the member are in opposition to the objects of the Association, or are likely to bring the Association into disrepute, providing that a resolution is passed by a two thirds majority of the Committee. Prior to exclusion the member shall be informed of the intention to exclude, and shall be given the opportunity to state his or her case at the next meeting of the Committee.
- h) Minutes of all the Committee meetings shall be taken and shall be endorsed as a true representation at the following meeting of the Committee. All minutes shall be available for inspection by any member of the Committee, and by any member of the Association except for minutes involving personal matters relating to individual members which shall remain confidential.
- i) Notice shall be given to every member of the Committee, and should be at least 14 days in advance of all meetings of the Committee. In special circumstances shorter notice may be necessary but shall never be less than 48 hours. Where less than 14 days notice has been given, the reasons for the short notice shall be recorded in the minutes of the meeting.

14. Alterations to this Constitution can only be made at the AGM or at a Special General Meeting, notice of which must specify any proposed changes. Any alteration to the Constitution must have a two thirds majority of those present voting in favour of the resolution, provided that no alteration is made to this clause, Clause 2 or clause 18.

15. The Treasurer shall have charge of the Funds of the Association. Accounts shall be paid on the signature of any two of the Officers of the Association.

16. The Association shall not accept donations or any other forms of benefit where such donations or benefits are given subject to conditions which could restrict the activities of the Association or where the Donor may obtain influence over the Association in consequence of giving the donations or benefits.

17. The Association may have a President who shall be invited by the Committee to hold office for the following year.

18. If on the winding up or dissolution of the Association there remains after the settling of all liabilities any property whatsoever, this shall not be paid to or distributed among the members of the Association, but shall be given to such a registered charity or charities established for similar charitable purposes as the Association shall decide.