

THE BOATER

NATIONAL ASSOCIATION OF BOAT OWNERS

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EDITORIAL

Despite showing a certain amount of enthusiasm for the consultative process regarding the pricing of their own moorings, BW have not taken the process any further since the meeting reported on in the last Boater in December. Attempts to discover what is going on have been met with silence so far. We will of course let you know as soon as anything happens. The other main issue at the moment is of course the BW Bill. We have made some significant progress in our meetings with BW, obtaining a number of significant amendments to the Bill. A report giving the latest state of play appears on page 2.

We are hoping to introduce a page in the Boater devoted to letters to the Editor. If you have any comments, tales or concerns which you would like to address to NABO publicly, please write to the Editor at Ill Maas Rd, Northfield, Birmingham B31 2PP. Letters should be brief and to the point - long and boring letters will be cut! As a member of NABO, this is your opportunity to let every-one know your views, and stimulate some useful debate, we hope.

NEWS FROM THE COUNCIL MEETING...

...held on 6th March at Hockley Port on the BCN.

NABO funds are still healthy, boosted by new members, donations (Thank you every-body) and sale of NABO sweatshirts and T-Shirts (have you ordered yours yet?). The membership stands at 917.

IWAAC (Inland Waterways Amenity Advisory Council) is currently being reorganised under the Chairmanship of Giles Baker. For a fuller report see page 18.

Plans for the NABO presence at the Nottingham and Rickmansworth Festivals are being advanced. Space has been booked, and publicity material is being organised. Anyone with any large attractive photographs suitable for our display stand, please get in touch with Pete Sterry. We also need more help to man the stands over 4 days at Nottingham (20-23 May) and 3 days at Rickmansworth (21-23 May). Any one joining NABO at the Rickmansworth Festival and donating an extra £1 will be eligible to enter a prize draw - the prize is a ride in a hot air balloon.

A new publicity leaflet has been designed, incorporating a membership application form. These should be available in time for the Festivals and other events.

Peter Sterry will be giving two talks in April - at Wolverhampton on the 5th and at Stafford on the 14th. He will also be at Ellesmere Port on the 17th September. All support welcome.

The Council spent a long time discussing in detail NABO's current position on the BW Bill. The second reading in the House of Commons is expected at any time now. Details of our progress with the Bill are reported below.

Safety standards are still under discussion. Harry Winter will be attending a meeting at the Department of Trade and Industry to discuss the EC directives on recreational craft, and BW has asked NABO for a meeting about standards.

The Council had decided that NABO will not become a company limited by guarantee, for the moment at least. It was established that becoming a company would not protect individuals against proceedings for libel or slander, nor against insolvency, and that therefore the costs would not be justified.

THE BW BILL: WHERE NABO STANDS NOW.

INTRODUCTION

Since the NABO petition against the British Waterways Bill was deposited in the House of Commons, there have been three high level meetings between NABO (Dave Green and Jon Darlington) and BW (Stephen Wiggs, for BW's Parliamentary Agents, Jeremy Duffy, BW's Solicitor and Brian Dice, BW's Chief Executive (Two meetings)). These meetings show that BW is taking NABO's petition seriously.

As a result of these meetings, and the objections of other interested parties, a number of amendments have been made to the Bill which partly or wholly meet some of NABO's objections, and one clause of the Bill has been withdrawn altogether; the rest is still under discussion. The following is a brief resume of the victories, the discussions and the disagreements - these latter are summarised at the end, as they are points on which we can still campaign in letters to MPs, Ministers and BW.

HOUSEBOATS

The parts of the Bill which deal with houseboats seek to control the terms of issue, transfer, and cancellation of houseboat certificates.

The objections to the part dealing with terms of issue concern the consultation process which must precede any changes. NABO considers it unreasonable for BW to decide with whom they should consult, and suggested the Secretary of State should decide. Unfortunately, the Secretary of State declined to be involved, so BW proposed an amendment which would require them to take the advice of IWAAC. Better, provided IWAAC can be trusted! Now NABO has suggested a new form of words which would give any organisation the right to be consulted, provided they could prove that they were representative of a substantial number of houseboat owners. We await BW's reaction.

The Bill's provision for the transfer of a houseboat certificate following the sale or gift of the boat to another person are particularly restrictive; the boats could only be sold or given to a person (even a family member) approved of by BW. NABO considers that it is not BW's place to control people (i.e. to decide who they want living on boats), and that the provisions of the BW Act 1971 should continue, whereby the transfer of a houseboat certificate should be automatic following the transfer of ownership. This point is unresolved.

NABO has several objections to the part of the Bill dealing with the cancellation of houseboat certificates. The present wording would allow BW to cancel a certificate if anything connected with the houseboat has a "detrimental effect on the amenities of the locality". These grounds are too vague and undefined to be workable, and NABO has suggested that the clause should be made more specific by allowing a certificate to be withdrawn only on the grounds of securing safety or preventing pollution. No agreement has yet been reached with BW, although they have deleted the words which would have made it possible to cancel a certificate if they thought anything was likely to have a detrimental effect on amenities before the certificate expired. NABO has pointed out that there is no period allowed for a houseboat owner to correct any faults. This point has been agreed by the Board, and an amendment is imminent. BW are considering the following points: that there is no means of appeal in cases of dispute; that there is no right of renewal of a certificate once it has expired and that there is no provision for successors in title. A further objection concerning planning permission has been withdrawn by NABO since we consider that as anyone can apply for planning permission for any land (whether they own it or not) there is no necessity in requiring BW to apply for it.

CONDITIONS FOR CERTIFICATES AND LICENCES.

The parts of the Bill which deal with conditions for certificates and licences would apply to pleasure boats so that (after a certain date) licences would not be granted unless the boat (A) complies with the current boat safety standards, (B) has evidence of third party insurance and (C) either has a permanent mooring or is used bona fide for navigation.

On boat safety standards, NABO has always objected to the imposition of standards, except where a significantly increased risk to safety by non-compliance has been demonstrated. BW will not accept NABO's position on "significantly increased risk", but has asked for another meeting to discuss the standards issue specifically. NABO also objected to the clause which would have allowed BW to amend or revoke standards without notice, but BW have now amended this clause so that they are required to consult with interested parties before so doing. However, the same problem remains of who should be consulted, and NABO have suggested changes similar to those for consultation about houseboats (see above).

Regarding insurance, the wording of the Bill sets no limits on third party liability. NABO suggested that this was unreasonable, and BW have agreed to amend the clause and prescribe a limit.

The condition concerning a permanent mooring or proof that the boat is used bona fide for navigation has proved difficult to resolve. The problem is proving bona fide navigation. Originally the Bill stated that such a cruising boat could not stay in one place for more than 14 days in any calendar year, but they have now amended this to be "continuously for more than 14 days or such longer period as may be agreed by the Board". NABO have suggested that definite criteria should be applied, e.g. 4 miles between moorings and no return for 28 days. These criteria would remove the need to prove bona fide navigation as such, but opinion is divided within NABO as to the desirability of prescribing such limitations. Do you have any views on this?

If any of the conditions for a certificate or licence are not met, no period of grace is mentioned in the Bill to allow the boat owner to correct matters. NABO has suggested that such a period should be allowed, and that an appeals procedure should be available. Discussion with BW on these points continues.

MOORINGS.

The Bill's provision for regulating moorings includes the requirements to comply with directions as to mooring giving by a authorised officer of the Board, not to moor in contravention of a BW notice, and provision for BW to move boats from their moorings for planned works (e.g. dredging, piling, repairs, etc).

NABO has objected to the requirement to comply with directions from BW on the grounds that such directions should only apply to waterways where there are specific dangers (e.g. rivers, commercial waterways). BW have amended this clause so that their powers can only be activated for securing safety or preventing congestion. NABO has accepted this amendment.

Mooring in contravention of a BW notice is qualified by the provision that BW will not exercise these powers except for securing safety, preventing congestion or ensuring that vessels do not overstay on short term moorings. In practice, NABO believes that this last condition could be interpreted to allow BW to establish mooring restrictions for any purpose. However, BW claim that this is not their intention, and NABO have suggested a redraft of the clause to ensure watertight interpretation.

If a boat needs to be moved for planned works, the Bill requires BW to give the owner 7 days notice. NABO has insisted that 28 days should be allowed (this clause only applies to routine maintenance, not emergencies). BW have compromised on 14 days, but discussions continue. An amendment proposed by BW would make it clear that if a notice to move a boat was not observed, the boat would be moved by BW at the expense of the boat owner. This is totally unacceptable to NABO, and BW are reconsidering. BW have stated that information on the new location of the boat will be passed to the boat owner, but it is not clear whether this meets our insistence that the boat owner should be informed on completion of the work.

CRIMINAL OFFENCES

The Bill seeks to make contravention of various clauses into criminal offences. These clauses concern houseboats, mooring so as to cause an obstruction, failing to comply with directions from BW with regard to mooring, mooring in contravention of a BW notice, failing to comply with a notice to move a boat for planned works and constructing a landing stage (or similar) without BW's permission.

BW have now withdrawn the clause concerning planned works from this category.

NABO has pointed out that the clause concerning houseboats cannot be allowed to remain unamended. Under the definition of a houseboat contained in the BW Act 1971, any boat not used bona fide for navigation is a houseboat. Hence anyone not using their boat at all, or only visiting it at weekends, will become guilty of the criminal offence of keeping a houseboat by default. BW have gone away to think again!

NABO has always objected to the offences being in the criminal category. However, if we can assume that such offences will be treated in a similar way to contravention of the Road Traffic Acts, then we might tolerate them - but only provided that our suggested amendments to the individual clauses are agreed.

ENVIRONMENTAL ISSUES

One clause of the Bill provides for BW to consider furthering conservation and enhancement of natural beauty in relation to remainder waterways. NABO considered that this could be considered by some to be inconsistent with use for navigation. However, because of the strong environmental lobby in the House of Commons, NABO has decided not to pursue its objection.

DISPOSAL OF SUBSIDIARIES.

The clause which allowed BW to sell off subsidiary companies, which some thought was to allow back door privatisation, has gone in its entirety. This may be considered a victory for waterway user interests.

PASSAGE THROUGH COMMERCIAL DOCKS

Parts of the Bill concern the commercial docks at Ardrishaig, Gloucester, Sharpness and Weston Point, and would allow BW to restrict access to and use of these docks. NABO objected on the grounds that there was no provision to restrict the extent of the appropriation or to prevent total exclusion. BW have proposed an amendment which will protect the right of passage for boats through the docks. NABO is satisfied with this amendment.

CONCLUSION

From the preceding discussion, you will see that there have been several victories for NABO and other petitioners in terms of amendments gained to the BW Bill. In other areas, agreement can probably be reached in time.

However, there are several key areas where NABO objections have not been met, and these are listed below. Write to your MP about these points!

1. Consultation process for changes to terms of issue for houseboat certificates: We need to ensure that consultation is representative.
 2. Transfer of houseboat certificate to new owner subject to the approval of BW: unreasonably restrictive. It is not BW's place to control people.
 3. The grounds on which a houseboat certificate can be cancelled are not well enough defined by the Bill. NABO suggests that cancellation should only be on grounds of securing safety or preventing pollution, and that a period should be allowed for the faults to be corrected.
 4. Safety certificates will be required by (almost) all boats in the future, regardless of whether a risk to safety from non-compliance has been demonstrated or not. NABO has objected strongly to this, as modification could be impractical or prohibitively expensive for some boats. Again, we have to ensure that consultation on changes to standards is representative.
 5. Boats without permanent moorings have to prove that they are used bona fide for navigation, which could be difficult unless definite criteria for distances moved and mooring times are agreed.
 6. Boat owners failing to comply with requirements regarding safety certificates, insurance or permanent mooring / bona fide navigation will not be allowed a period to correct matters, in addition there is no appeals mechanism. NABO believes a complaints mechanism should be included in the Bill.
 7. Contravention of some clauses will become a criminal offence.
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BW BILL THREAT TO RIVER SEVERN USERS

Boat owners on the R. Severn should be aware of the far-reaching implications of the British Waterways Bill which is currently passing through the House of Commons.

Unfortunately, the majority of boaters do not appreciate or even seem to care about the possible infringement which the Bill poses to their liberties.

Please note: The original intention of BW not to apply the new construction standards to the rivers does not now apply, so all existing river boat owners will be affected in due course.

The main possible effects are as follows:-

1. The proposed introduction of Boat standards (which are now "finalised") could mean many craft having to be expensively modified or scrapped!

2. Craft could be banned from the Gloucester Sharpness Canal if they fail to comply with the Boat Standards - thus leaving them stranded on the river and unable to reach the Severn Estuary.

3. The existing Right of Navigation on the River Severn could be removed if BW refuse to grant River Registration certificates to any craft not complying with insurance and construction requirements (presently BW cannot refuse River Registration applications).

4. BW would have powers to direct masters of craft how and where to control their vessels.

5. Parts of Gloucester Docks and Sharpness Docks could be declared out of bounds to pleasure craft, preventing use of the sea lock or charging prohibitive fees for its use.

6. Removal of the existing right of use the river locks at night. (The thin end of the wedge?)

The above factors will apply in a similar way not only to the R. Severn but to ALL rivers managed by BW to which a River Registration Certificate applies, which are as follows:-

The River Avon - Hanham Lock to Bath.

The Fosdyke Navigation.

The River Lee Navigation - Hertford to Limehouse.

The River Stort Navigation
The River Soar - R. Trent Junction to Leicester.
The River Trent - Nottingham to Gainsborough.
The Weaver Navigation - Winford Bridge to the Manchester Ship Canal
The Witham Navigation - Lincoln to Boston.
The Yorkshire Ouse and R. Ure - Ripon to Goole.

RECIPROCAL LICENCING

NRA are planning to end the reciprocal licencing arrangement with BW in 1994. This arrangement allows BW licence holders to use NRA waters in the Anglia area for up to two weeks free of charge. In return, NRA licence holders can use the Northampton Arm and a stretch of the Grand Union Canal. The Association of Nene River Clubs believes, however, that this gives an unfair advantage to BW licence holders since, it is claimed, many boats based on the Nene are wide beam and therefore unable to use the Northampton Arm. Consequently they have persuaded NRA to cancel the arrangement.

This has come at a time when BW's north east Regional Manager, Ian White, was hoping to extend the scheme to such waterways as the Welland, Witham, Trent and other north east waterways which would improve the deal for NRA boaters who could access these waters by crossing the Wash. It is unlikely that many narrow beam boaters based in the north east would travel in the opposite direction due to the difficulties of crossing the Wash which could only be recommended to craft capable of making a sea passage.

NABO believes that the scheme should be extended and not abolished. We have written to Ian White supporting the BW position. We have also written to NRA and the Association of Nene River Clubs asking them to reconsider and to negotiate an agreement with BW to redress any imbalance there may be in the present arrangement.

RIVER REGISTRATION RENEWALS

Owners of boats which are used only on River navigations managed by BW should note that they are required only to obtain a River Registration Certificate and not a licence.

Recent administrative changes within BW mean that all owners receive a standard Licence Renewal Form which is not correctly

worded for river users insofar as it does not even mention the River Registration Certificate (which is not a Licence!!). The form also asks the customer to sign a declaration that they will observe the conditions overleaf which only refer to licences and not to river registration certificates.

Customers also no longer receive copies of the new fee structure so they are given no choice in deciding which type of "licence" to pay for - and will not know that they are being charged VAT at the rate of 17.5% until they receive a receipt from BW with their new certificate.

To add insult to injury BW has excelled itself by printing the form with no less than two errors in its own address!

The BW Licensing Office does not even send out the notes of guidance to completing the form unless you specifically request them, and consequently many of their customers might be misled into thinking that they must fill in and answer the host of new questions which appear on the renewal form. This information is not obligatory and boat owners need not give details of insurance, certificates of compliance or any supplementary information about the value of their craft or details of its make and engine.

The requested information might be regarded by some as an invasion of their privacy, and at present BW cannot insist on this information being supplied.

BW are obliged by an Act of Parliament to issue a registration certificate to all who apply for them subject only to receipt of the due payment. Boaters should not therefore experience any difficulty in renewing their river registrations on the grounds of incomplete renewal forms.

Please let NABO know if you have any problems with BW on this matter.

RECENT PRESS RELEASES

EMERGENCY BREAKDOWN SERVICE

From 1st April Car Accident Roadside Emergency Services Ltd (CARE) are introducing two emergency breakdown schemes to all boat owners and users on the UK's Inland Waterways:

- The first rescue assistance scheme is only £5 per annum and operates on a "pay as you use" system. One Freephone call to CARE's computerised control room will bring immediate qualified assistance to boat owners and users in difficulties - on this scheme of course members pay all costs involved in their rescue assistance to the attending recovery agent.

- The second scheme for assistance gives much greater cover and costs £15 per annum. This scheme is fully insured (underwritten at Lloyds); one Freephone call to CARE's control room will bring you immediate qualified attention to your problem on site. CARE will provide the service which includes turnout, mileage and up to 30 minutes on-site, without further cost. The member would only pay for extra time over the 30 mins. and for materials or parts used. Extra time payments would be made to the attending recovery agent.

There are no preconditions associated with membership.

CARE advises us that they achieved Number One Independent Recovery Club status in July 1992's "Auto Express" magazine's "Knights of the Road" award for recovery services to motorists, and their aim is to provide the same quality service to boat owners.

BOATING FOR A BETTER PLANET

The Wooden Canal Craft Trust who operate the 1901 Butty "Lilith" are planning a 1993 tour to include many visits to boat rallies and a sponsored bow haul from London to Braunston in support of the restoration of the Runcorn Wooden Header narrowboat "Hazel". More people are needed with music, theatre, circus, or any other entertaining skills. Money raised will go to the re-forestation charity 'Plant a tree in Africa' or any other reasonable charity requested by participants. No charge is made for those who come to help with the project, though a food kitty is maintained.

Any one interested should contact: Boating for a better planet, 41 Travis Court, Royton, Oldham OL2 6YX.

THE historic NARROW BOAT OWNERS' CLUB.

Following his election to the post of Chairman of the above club, David Daines has stated his aim of re-vitalizing the Club

and refocusing its role. He appeals to prospective, past and present members to lend their support in achieving the creation of a focus for knowledge, experience and expertise in the maintenance and handling of 'the historic canal craft' in order that such skills may not disappear as time passes by, and fewer of the working boat people are able to give us the benefit of their wisdom. The club will, of course continue its constitutional role of campaigning for the maintenance of the canal system in a condition suitable for the navigation of historic boats, and that of maintaining an archive of information relating to their history.

Any one interested should contact: David Daines

A STRANGE CASE

On the 2.3.93, at Birmingham Magistrates Court, a boat owner was convicted of keeping and using a pleasure craft on BW's water without the appropriate licence, which BW had decided should have been a pleasure craft licence. The defendant pleaded not guilty to the charge, maintaining that the proper charge should have been one of keeping an unauthorised Houseboat on the Boards water, as the boat for which the licence was required was his permanent home, and therefore a houseboat not a pleasure craft.

One of the deciding factors in securing the conviction was that the boat in question was classified as a pleasure craft, despite the fact that it was accepted by and known to the Board and the court that the defendant used the boat as his main/only residence. An aid to the court in reaching this conclusion came in the form of evidence given by a BW patrol officer of over 12 years experience in the job, who was considered by the prosecuting solicitor and the court, to be an expert witness representing British Waterways. When cross examined by the defence, the officer, who knew the defendant was living aboard, replied, when asked about the legality or validity of a pleasure boat licence for such circumstances, that it was perfectly acceptable to apply a pleasure craft licence in such circumstances. This point was laboured somewhat by the magistrate who asked if it was permissible to live 365 days a year on such a licence, and again the reply came that it was.

We would point out that NABO does not condone evasion of cruising licences. However, this case emphasises that to live on a boat permanently or continuously and have no other

residence, one does not require anything more than a pleasure craft licence - although technically it is an offence against the byelaws to use a boat as a dwelling. In practice, as long as the vessel is used bona fide for navigation a houseboat certificate is not required, and if the vessel is cruised continuously, neither is a mooring required. A houseboat certificate applies to a PLACE or particular MOORING, NOT the vessel alone.

DoE RESPONSE TO MPs RE BW BILL

In response to lobbying from NABO and individuals many MPs wrote to the DoE concerning the BW Bill. Below are extracts from the reply they received, together with NABO's response.

"It is for BW to convince the House of the merits of the specific proposals that it has included in the Bill and it is open to Ms X to continue pursuing the concerns of her Association with BW direct. Whilst by tradition the Government remains neutral on the specific provisions in a private Bill - unless it wishes to pray against them - I think it right that I should set out some of the background.

The 26,000 or so boats on BW waterways contribute directly less than 12% of BW's operating and maintenance costs through fees and charges; taxpayers pay more than 60% or around £50m P.A. These ratios are not just a reflection of BW's heavy heritage burden. The National Trust, with similar problems of high restoration and maintenance costs and many properties for which it is not practicable to charge for entry, covers more than a third of its costs from membership and entry fees alone. Against this background BW, with our encouragement, are seeking to broaden their customer base beyond the boating community, to increase their revenues from boaters and other beneficiaries, to improve their efficiency and to cut their running costs, whilst increasing their investment. In recent years they have been remarkably successful. However there is no proposal to phase out subsidy. Indeed the Autumn Statement included an announcement of additional resources for British Waterways. We all recognise that the heritage, educational and environmental value of waterways merits continuing substantial support from the taxpayer.

I know that some in the waterways lobby oppose suggestions that boaters should contribute more or that the customer base should be broadened - what they call the 'Excessive commercialism' of BW. They also oppose some of BW's efficiency measures, demand increased expenditure eg. on dredging (which if it isn't paid for by increased revenue or

improved efficiency must come from the taxpayer) and want to maintain expensive methods of maintenance. It has also been suggested that the statute should emphasise the primacy of navigation and promote the interests of boaters over other more numerous users such as anglers, walkers etc. In short they believe that non-boating taxpayers should pay more and take second place in enjoying the benefits whilst boaters should be more heavily subsidised. Some have sought to raise support for their cause with strongly worded claims of what the Bill means.

Some of the claims that have been made by the Bill's opponents have naturally worried ordinary boaters. Some of the proposals to which they object are intended to improve safety on inland waterways, some are intended to enable British Waterways to improve their efficiency, some are precedented -indeed borrowed from - legislation that applies to other statutory undertakers or public bodies, some reflect recommendations, or comments, of the Environment Select Committee, or of the Monopolies and Mergers Commission. In principle there is nothing alarming about these objectives.

I know that BW feel that some of the claims made by the Bill's opponents about the impact of its provisions are inaccurate. I cannot comment on that, but you may want to talk yourself to British Waterways to get their side of the story. If you contact their Chief Executive, Brian Dice at British Waterways...."

NABO'S RESPONSE TO DoE

Dear Minister,

We have recently been receiving replies sent by your office to MPs in response to our letters to them and to letters from our members. We are very concerned at the contents of your replies and would respond as follows:

You state that by tradition the Government remains neutral on the specific provisions of a Private Bill, and then set out the Government Policy by way of background, which you say may be useful. However this is far from useful, as it is about the financing of BW, which has nothing at all to do with the BW Bill, nor our objections to which you are replying. What you say is, in any case, very misleading. Your direct attack on boat owners, comparing the proportion they pay to BW with the proportion of income gained by the National Trust from membership and entry fees is invalid for the following reasons:

1. The National Trust has 2,186,000 members. BW has no membership base from which to draw income.

2. A large number of National Trust properties attract an entrance fee from the public. BW do not charge entrance fees for public access to the canals.

3. A high proportion of National Trust property consists of land which does not attract high maintenance costs whereas practically 100% of BW property consists of 200 year old man made waterways and associated waterway structures all of which have a high maintenance cost.

Your letters state that boaters contribute less than 12% towards BW's operating and maintenance costs. This again is misleading for the following reasons:

1. In excess of 25% of the BW "operating and maintenance costs" you refer to are priority arrears of repair and renovation of waterway structures as a result of decades of neglect and should not be matched with current year income.

2. The operating and maintenance costs include costs incurred for activities other than leisure, such as pollution control, and in particular land drainage and water supply functions for which no charges are made and which are not recorded in the Board's accounts but were estimated in the 1989 Environment Committee Report to represent approximately 50% of the Government grant.

If you read our letter and the accompanying document which outlines our specific objections to the BW Bill, you will see that we do not object to BW being granted necessary powers to improve safety or efficiency. We do, however, object to the very broad powers the Board is seeking to control boaters. These are not specific powers to deal with specific matters, but are very broadly based and draconian and could be applied fairly or unfairly, sparingly or widely at the whim of BW and without redress.

Your letter implies that we hold various views and beliefs which you then proceed to list. Nowhere have we suggested that the statute should promote the interests of boaters over other, more numerous, users. Neither do we believe that non boating taxpayers should take second place in enjoying the benefits of the waterways. Further, we do not believe that boaters should be more heavily subsidised, but we do believe

that the Government should properly fund the waterways which are an invaluable national asset. Also we do not believe that BW should maintain expensive methods of maintenance. Indeed we are particularly concerned that they should not.

We do, however, believe that navigation is a primary function of the waterways network, indeed it is the presence of boats which provides variety and interest and attracts many visitors. We therefore maintain that the navigation function is crucial and should be properly protected. The network was originally built for navigation but can now support multi-user activity. Without navigation, however, its interest would rapidly decline (*vide* many disused and abandoned waterways.)

Surely it is inappropriate for a Government Minister, in reply to MPs, to wrongly ascribe beliefs to an organisation which he has twice declined to meet and which, in any case, have nothing to with the question at hand.

I am enclosing a general outline of our main concerns about the Bill with specific clause numbers, and ask that you give proper consideration to these concerns, particularly the creation of new criminal offences for activities which no reasonable person would consider to be criminal in nature.

Yours sincerely,
David W Green, Chairman.

MMC EFFICIENCY REVIEW OF BW

The Government announced earlier in March that it has referred British Waterways to the Monopolies and Mergers Commission (MMC). BW were last referred to the MMC in 1986 and this latest referral is a routine follow-up recommended by the MMC at that time.

The terms of reference for the investigation are to see if:

1. whether in carrying out its functions under the relevant legislation, BW could improve its efficiency and thereby reduce costs without affecting the quality of the service provided by them; whether the quality could be improved without any increase in costs; and the extent to which alteration of quality might generate higher net revenue; with particular reference to:
 - a. The extent they have implemented the recommendations of the commission made in 1987;
 - b. The scope for contracting out their operational and support services;

- c. BW's procedures for market testing;
- d. The efficiency and effectiveness of BW's long term preventive maintenance and repair programme;
- e. The methods for determining the level of charges to customers;
- f. The scope for increasing revenue from fees and charges;
- g. The extent to which they could increase net revenue through promoting a greater range of chargeable activities.
- h. The scope for improving BW's management structure and the use made of its manpower;
- i. The scope for involving the private sector in the management of BW's assets;
- j. The Board's procedures for assessing priorities including the Board's corporate planning process;
- k. The scope for improvement in:
 1. estate management by BW;
 2. the effectiveness of BW's programme of rationalisation of its low value sites, and
 3. the extent to which the Board's approach maximises the return from its sites with potential for development;
- l. The scope for improving the Board's financial and management systems;
- m. BW's operational flexibility, and ability to control costs or increase revenues, bearing in mind the legislative framework and development control procedures within which they operate; and
- n. The scope for improving the cost effectiveness of BW expenditures on conservation of the heritage and the environment.

2. Whether in relation to any matter falling within the questions set out above, the Board is pursuing a course of conduct which operates against the public interest.

The MMC are inviting evidence from 3rd parties which should reach them by 16th April 1993. Members may write to NABO with comments which will be considered for inclusion with our submission, or write direct to the Monopolies and Mergers Commission, New Court, 48 Carey Street, London WC2A 2JT.

British Waterways have welcomed the investigation stating that for the last 4 years they have vigorously pursued a management strategy based on the conviction that the conservation of the waterway network, its environment and heritage and the interest of the taxpayer is best guaranteed by the sensitive application of modern practices and a business approach.

BW OR NRA?

You may remember a year or so ago that the Department of the Environment were carrying out a review of the navigation functions of both BW and NRA with a possible view to amalgamation. Apparently "It's on hold due to staff shortages." There could be more to this than meets the eye. We will try to find out and keep you posted.

IWAAC

Whilst one may argue about how effective IWAAC has been, there has, up to now, been a fair number of boaters on the Council. That, together with its administration has now changed. We have already reported that it has a new Chairman in the person of Giles Baker; its old Secretary, Alan West has gone and Tina Van Zeller has been promoted to Executive Manager. The press release announcing Tina's appointment talks about "...a changing role for IWAAC in the future". Worrying - even if its role is set by statute!

This suggested changing emphasis is likely to be confirmed by the new list of IWAAC members which is expected to include only four of the old Council members. New appointments are expected to include representatives of environmental and conservancy bodies.

The 1968 Act requires that IWAAC "shall include persons who appear to the Minister to have wide knowledge of, and interest in, the use of inland waterways for amenity or recreational purposes..." The expected new appointments may meet the letter of this requirement but do they meet the spirit?

USER GROUPS' MEETING.

Midlands and SW Regions. 13th March 1993.

WATER QUALITY/DREDGING

Progress has been made nationally with tips, 35 are now licenced (7 when previously reported in the August "Boater". Sediments are categorised from 0 to 6 inclusive, 6 being the most noxious. Anything in category 6 has to be despatched to a specialist tip in Bedfordshire. 38% of Midlands (excluding SW), canal mileage contains some category 6 sediment. BW have clubbed together with the NRA, Broads Authority and

a code of practice for use in negotiations with local authorities over tip licensing. This should speed up the whole process and by ensuring all local authorities' procedures are standardised.

BW accept that the EC bathing standard is not appropriate for canals. They are drafting a new standard for recreational water where occasional contact occurs but not total immersion.

Navigational dredging has been allocated extra funds to the tune of £700,000 each year for the next 4 to 5 years in the region, as will the South East. Priorities for next year's dredging programme are being finalised at the moment - write to BW with your favourite unscheduled resting place NOW!

BCN

Yes, why ARE They apparently dredging the area around Gas Street that has a bottom far enough away from the top for trad. boats when there are a variety of shallow bits to choose from?

Navigational dredging was not required and is not taking place. The activity is improving water quality funded specifically for this purpose by Birmingham City Council. The pretty fish from the Soho loop will shortly be venturing into the Mainline and there's a prize for the first salmon caught outside the International Convention Centre. To improve water quality it is necessary to remove sediment to a depth of five feet in the middle and three feet at the bank.

The new facilities block at Cambrian Wharf should be in its first flush of use as this goes to press.

BOAT TRIP

The object of the trip was to observe the process of soil washing being applied to BCN grade 6 sediment. This is a pioneering use in this country. It is applied in quarrying and mining and has been used on European waterways.

All sediment is filtered and flocculated(!) into three categories - coarse OK stuff, fine OK sandy stuff and gooey horrible grade 6 stuff. The volume of the Bedfordshire bound 6 stuff is thus reduced substantially and overall costs reduced. The plant tour of the old Bellis & Morcom factory (BCN Mainline) was detailed and very interesting.

Oh, and on the way to the site, we run aground, well, a-oil barrel or possibly a-car. Someone waded to the bank and rang Canalphone only to be told that all senior management was at a user group meeting so they couldn't offer any authoritative advice.....

SEWAGE

Instead of the usual learned debate on the relative merits of portaloos and pump-outs, we had a detailed description of why sometimes there was BUT IS NO LONGER some "foul waste" in Sandwell. It used to happen when we had a lethal combination of overloaded Victorian drains and torrential rains. BW have traced the half dozen offending discharges and the Local Authorities concerned have now rectified the drains.

WATER LEVELS

Come on up to the Midlands - the water's lovely! The levels have never been higher - per BW. Even Titford's fine and Rotton Park reservoir is 95% full. So Jon and Melanie Darlington can't possibly be delicately balanced on the bottom on the Coventry canal, can they?

TARDEBIGGE

The maintenance yard remains "for the moment" despite the re-location of the offices to Lapworth. It is recognised that there is a "development opportunity" at Tardebigge. Under close questioning from the Worcester Birmingham Canal Soc. Chairman, Jack Simson, BW stated that:

1. The listed top lock cottage would be refurbished next year.
2. The uniqueness of Tardebigge was such that any development must add to its qualities, not detract from them.
3. A leisure development is a likely approved use, but there are no plans at present. The site is merely recognised as "surplus to requirements."

OXFORD USER GROUP MEETING - 20th Jan.

Attended by Neil Hutchinson

Planning permission is awaited to construct a winding hole below Watford locks.

There was much discussion about the problems encountered when replacing lock gates at Foxton where the gates are all listed structures. The problem has not yet been resolved.

There was a suggestion that contract work could be carried out over a few days in the summer months rather than many short days in the winter. This will be considered.

Land has been purchased at Boddington with a view to enlarging the reservoir in the future.

All reservoirs are full but there is an engineering requirement to keep the Longford Pound Level reduced by 3-4 inches, and the level on the Leicester summit is low because of badger holes at Avon aqueduct- plans for remedial works will be evolved by April.

T-SHIRTS & SWEATSHIRTS

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T-Shirts and Sweatshirts are printed with either a large (full chest print) or small (pocket size on the left) Logo in black or white as required.

ORDERS: to Penny Barber (Address on back page), cheques payable to "NABO".

WHO REPRESENTS NABO?

NAME/POSITION

ADDRESS AND TELEPHONE

Penny Barber, C/O
(Treasurer/Midland Rep)

Phil Bland.

Jon Darlington,(Vice
Chairman/Boater Editor)

Melanie Darlington.
(Production/Distribution)

Dave Green
(Chairman)

Thomas Hartney.
(NW Rep)

Neil Hutchinson,
(Newsletter/Boater Editor)

Peter Lea.

Stephen Peters.
(River Users Coordinator)

Christine Potter.
(Membership Secty/PR)

Pete Sterry,
(NE Rep/Publicity)

Nikki Timbrell,
(Secty/Editorial Team)

Harry Winter.
(Engineering Officer/
S/E Rep)