

**THE MAGAZINE OF THE**



**ISSUE 2/01 - April 2001**

**Crime / Human Rights / RCD / Mooring Matrix**

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**--- Ease-out supplement - West Midlands Police contacts map ---**

# CHAIRMAN'S REPORT

We have three major issues pending now that Foot & Mouth has entered our lives including whether BW or EA should run the rivers; and the BSS or the Bloody Silly Scheme

As I write this, Foot & Mouth has been with us for three weeks so I expect things could change even more by the time you read this. British Waterways made a courageous decision when the outbreak started and closed the system, which we fully support. They immediately arranged the manning of all their offices including Watford for the weekend. Braunston manned the phone, not the office, which meant that our Midlands regional Sec. who is at Braunston went to the office without getting any information until Monday. With the number of boats and boaters there, this was unfortunate. After this faux pas Braunston has been very helpful.

NABO had been assured that essential journeys would have permission. When I asked for permission to move to get water & empty my toilet, this had to be cleared by the Regional Area Director. I was flabbergasted when permission was refused as being non-essential, especially as a boater went past me to go to a dry dock, having received permission. A phone call to Watford resulted in a lesson for the Director on the essentials of living on boats. We were then escorted to a water point where we now have to stay until further notice. One seventy year old was also refused permission and told that he shouldn't be living on his boat! It is to be deplored that both directors & managers know so little about their customers and their needs.



**About the Boat Safety Scheme, I am fed up with the confusion being caused by the delays we are being subjected to.**

We recommend phoning BW customer services on 01923 201120 or 01923 201350 if any boater has urgent problems that are not being addressed locally. Also drop us a line or email if you feel your needs are being neglected.

British Waterways is doing all it can to monitor the situation. There is now an assessment being carried out of the risk of infection with a view to reopening the canals as soon as it is safe to do so. They may even be opened by the time you are reading this.

With so many businesses being hit by the effects of Foot & Mouth, I feel that it is unfeeling for leisure boaters to ask for a refund on their licences. Cruising on the rivers has been a problem since last September because most of them seem to have been in a state of flood since then and no rebates there. The boat businesses are certainly more deserving of rebates and many will go under if help is not forthcoming. We can still enjoy our boats even if we can't cruise.

Be assured we are monitoring the situation and if there is any discrepancy in the ways boaters are treated in different areas we want to know.

We have now received the Parliamentary Select Committee report on the Waterways. Any one wanting to read the report can download it [www.publications.parliament.uk](http://www.publications.parliament.uk). Or send for a copy £8 from The Stationary Office Publications Centre, PO box 276 London, SW8 5DT.

BW has suggested that they are better equipped to run EA's navigations, and IWA who are now BW's partners unsurprisingly have agreed with them. NABO felt that EA should run the rivers with the exception of canalised rivers and BW the canals. The Select Committee has come down on the side of the status quo and stated that this situation should remain for several years as EA has been hampered by a lack of stability. The way BW and EA are spending time and money fighting for each other's territory has been of concern to us for some time. The Select Committee also recommends that the authorities work closely together and that a joint board is established with British Waterways, the Environment Agency and the Broads Authority, together with representation from the minor navigation authorities. The overall purpose being to introduce harmonisation across the system rather than standardisation.

Other recommendations include helping freight by abolishing tolls & introducing a licence fee, protecting against any development that leads to the loss of wharves, and running a one-stop-shop enquiry service for freight operators to solve the lack of coordination between navigation authorities. This could be run by the Association of Inland Navigation Authorities.

Under Urban Regeneration they advocated local authorities safeguarding and promoting public access to the waterfront. British Waterways is to work closer with English Heritage and has the remit to facilitate urban regeneration. British Waterways was criticised for wanting the maximum financial return when this may not be appropriate for a historical building. It was recommended

that British Waterways be allowed to raise capital on the commercial markets to finance acquisitions as a means of reducing long term government funding.

Environmental standards could see more reeds as it states "*British Waterways and the Environment Agency have developed new techniques for bank protection which avoid hard edges and encourage biodiversity: these should be applied both to canal restoration works and to sections of canal inappropriately treated in the past*". Lottery funding should be conditional on protecting and enhancing biodiversity. Water transfer came under some criticism and they thought it should be carefully monitored so that it doesn't have an adverse impact on the environment.

Boaters & Leisure brought the recommendation that British Waterways should continue upgrading the canals for the benefit of boaters but also ensure that more is spent on towpaths, access points and, where appropriate, cycleways. They agreed that the contribution from boaters and other leisure users should not be substantially increased. The Boat Safety reviews interim conclusions and recommendations were welcomed and should be implemented.

Lichfield & Hatherton has received a boost with the recommendation that the Government looks at the case and makes every effort to get the developer to make alterations to the design of the crossings

About the Boat Safety Scheme, I am fed up with the confusion being caused by the delays we are being subjected to. Not a single deadline has been kept so far and this is not fair on the paying customer.

*Sue Burchett*

## Latest News

The Boat Safety Scheme report is out at last, copies should be dropping through letter boxes as we go to press. Because we need to give you a considered analysis rather than the knee jerk reaction that seems fashionable these days, you will have to await our next NABO News for full details, or keep an eye on the NABO website.

# CRIME ON THE CUT

We know that crime and vandalism experienced by boat owners as they cruise along the waterways is a problem which creates fear and a feeling of intimidation - and NABO is determined to seek solutions.

We receive frequent correspondence from our members on this topic of great concern to them, and their views have been published in our "Letters to the Editor" features.

In this, the 10th Anniversary Year of NABO, we have resolved to make the issue of crime on inland waterways one of our main campaigning features for the year. Former Council member, John Stephens, started the ball rolling by asking BW to address the subject; and we have recently renewed our request to them for some positive action.

BW is constantly reminding us that it has a Duty of Care to its customers and users of its land (the purported *raison d'être* for the Boat Safety Scheme). NABO takes the view that the same principle applies with respect to protecting boaters from physical attack, break-ins and other criminal activity whilst using BW property and facilities i.e. the canals, etc.

We have sought a policy commitment from BW to address the problem and have suggested they may wish to consider improving links with local police forces; and maybe utilise the Freephone Canals line as a means of co-ordinating emergency calls from boat owners (the service is administered by West Midlands Ambulance Service on behalf of BW).

We believe BW will take the problem seriously and their Customers Relations Manager, Paul Wagstaffe, has undertaken to consult internally before giving us their formal feedback.

Please continue to let us have your views and opinions on how your enjoyment of boating can be enhanced by ridding the waterways of anti-social and criminal activities.

Stephen Peters

## YOU CAN HELP

We need evidence and statistics to back up any approach we might make to the navigation authorities, the Police or the Home Office. If we can quote from a database of past incidents where our members were victims of crime or subjected to threat, it would add weight to our case.

Please mail Stephen details of your experiences, giving him as much as you can bear to recollect of:-

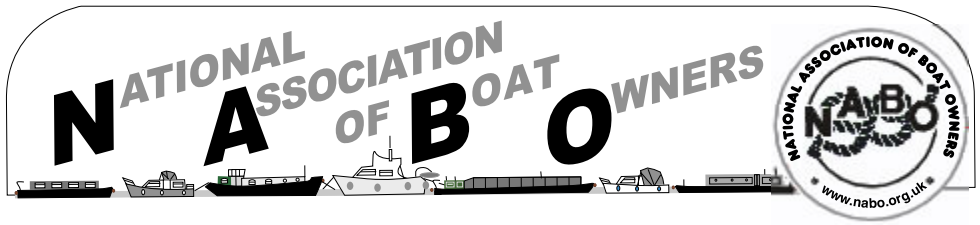
- When
- Where
- What happened
- What action you took
- If you reported it:-
  - To whom
  - Their response
  - Any crime number
- and to help us assess a measure of vulnerability, how many incident-free weeks of boating you enjoyed prior to the incident.

Please describe each incident separately.

**Or**, for each incident, fill in the special "Crime on the Cut" form on your website, [www.nabo.org.uk](http://www.nabo.org.uk)

If you want to win this battle, give us the ammunition.

If you have any special tips for protecting yourself and your boat, I am sure our readers would be pleased to hear from you. Ed.



## The WEBSITE

Those of you who have been exercising your rodents recently will have seen that [www.nabo.org.uk](http://www.nabo.org.uk) has suffered a make-over, for which I must accept some of the blame. If you haven't, go to a local library, get on line and have a look.

The architecture of the site has been steadily revised due to the hard work of one Michael J. Wooding so there are now two distinct areas, one for visitors and one for members. At present there is no bar on anyone gaining access to the members' pages, the division is there to make it easier for the different site users to find what they want without being overwhelmed by buttons or unduly lengthy pages.

The visitors' side is much the same as before, just tarted up, with blurb on why and how you can join NABO, what you gain and what we have achieved over the years, but you are already members so we don't want you to read that!

On the members' side all sorts of things are improving. The News and Info page is being kept as up to date as we can on Foot & Mouth, BSS matters (with link to a list of Time Limited Exemptions, we have one of the first and few websites to carry this), and more as it happens.

The prison photographer has been busy and you now have a better chance of recognising members of your Council should they escape onto a towpath near you. Via the Council Contacts page, you can also use a map or waterway list to find your NABO Regional Secretary, and in many cases also get the addresses of local waterway authority offices.

There are three forms you can fill in. The Ask NABO form (covered in more detail later), is for your boat owning queries. There is a general feedback form for your views on the website, and a form to help Council gather statistics for its Cut Crime campaign. The CRIME page also has a colour version of the West Midlands Police map contact finder, and may well be the first place you will find similar information for other regions.

We have it on good authority that other waterway organisations are showing their starboard colour when they see our site, and we haven't tapped any good ideas from you members as yet, so there's no knowing what heights we can reach.

*Stuart Sampson*

# The Human Rights Act 1998, and the Boater

Several people have queried how the Human Rights Act will affect boaters in general. I have been studying it in some depth and I have been quite surprised at the far-reaching effects this act will appear to have on the application of the law.

Fortunately, there have been better trained minds than mine on this subject and I am indebted to Jon Darlington, a former chairman of NABO, who has supplied me with an article written by one Michelle Harris, a practising Barrister-at-Law.

The Act specifies that Judicial Review of any alleged breach of the Act must begin with a complaint by the victim or intended victim of a breach of the provisions. In effect any boater who feels aggrieved must make the complaint personally and not through a third party, e.g. NABO

I am aware that the British Waterways solicitor is also looking into the effects of the Act on what they as a public authority

must do to conform to it. It is the view of NABO that BW will be obliged to change many of their current enforcement actions to comply with the Act. Otherwise your Council is concerned that your licence money will be spent on defending actions in court.

Michelle has given permission for her article to be reproduced here. However no approach should be made to a Barrister directly. Convention dictates that the services of a solicitor should be sought first. If necessary and if the solicitor wishes to seek the opinion of Counsel, please tell the solicitor that Michelle is an authority on how the Act will affect the boater and to seek her opinion. Please advise your solicitor to contact myself, when I will supply them with necessary details to contact Michelle.

Derek Hackett - Legal Advisor

## Boat Dwellers and Human Rights

By MICHELLE HARRIS, Barrister - Temple, London EC4

### Background

In the UK around 22,000 people reside on boats and although most of the population moved onto vessels during adult life they largely consider themselves to be a strong and distinct community and identify themselves as a separate group from society. Boat dwellers live in a variety of locations:

- On British Waterways controlled canals and rivers,
- On navigations with different enforcing authorities,
- On coastal and tidal waters;
- and a variety of moorings:
  - On expensive and difficult to obtain residential moorings.
  - On marinas/moorings classified as non-residential
  - On temporary moorings,
  - or “Continuously cruise” the waterways system.

The fact that there are a number of different Navigation Authorities and that the law in this area can be complex and difficult to access can make any legal issues that arise far from straightforward. Boat dwellers, and to some extent boat owners, face some peculiar problems that did not seem to benefit from legal redress before the introduction of the Human Rights Act 1998 that came into force on 2nd October 2000 and incorporated the European Convention on Human Rights into domestic law. Previously, any human rights issues only had to be addressed by the European Court after all domestic legal action had been exhausted. There also used to be an initial examination of the case by the Commission prior to the case being remitted to the European Court. All UK Courts now have to consider any human rights issue raised and in doing so they must take into account any previous decision made by the European Court or Commission. The Convention Rights referred to in this paper are:

- Article 5 - The right to liberty and security
- Article 6 - The right to a fair trial including the presumption of innocence.
- Article 8 - The right to respect for private and family life
- Article 14 - The prohibition of discrimination
- Article 1 of the First Protocol - The protection of property
- Article 3 of the First Protocol - The right to free elections

Some issues that have affected boat dwellers and give rise to concern are

- The restrictions on the right of boat dwellers to vote;
- The classification of the non payment of waterway licences as a “strict liability offence”; Enforcement action that can include the sanction of impounding craft;
- Social security rules that exclude the licence cost of vessels from housing benefit criteria;
- The restrictions on receiving mail;
- Bail both by police and in the courts.

## **Discrimination**

All of the rights that I have referred to below could involve an infringement of Article 14 that prohibits unjustified discrimination. A national minority is one example of potential discrimination cited in the text of Article 14. as is the status of the applicant and it is arguable that boat dwellers could fall into these categories. Although this Article does not create a freestanding action it can be considered when addressing any of the other Convention rights. When considering whether discrimination is justified the Court needs to be satisfied that any difference in treatment was reasonable, objective and proportionate to a legitimate aim

## **The Right to Vote**

One of the most fundamental civil liberties that traditionally could not be exercised by people with no fixed abode is the right to vote. Most boat dwellers fall into this category and it also extends to homeless people, travellers and Gypsies. Domestic Courts have viewed voting entitlement based on residence. It may be that a recent addition to the Representation of the People Act that allows for a declaration of local connection to be signed by an electorate resolves this issue. In the alternative, Article 3 of the First Protocol asserts that the State undertakes to hold free elections at reasonable intervals by secret ballot that will ensure the free expression of the people in the choice of legislature In *Mathieu - Mohin and Clerfayt v. Belgium* (1988) 10 EHRR 1, the only case considered by the European Court on this issue, the principle that the right to vote and stand for election is protected is set out. Although the right is not an absolute one any limitations must not impair the very essence and effectiveness



of that right or be disproportionate. Whilst, the Court did acknowledge a wide margin of appreciation in this sphere and the Commission had previously taken the view that residential restrictions were legitimate, the Court's strong words in favour of a vote clearly make it arguable that any restrictions preventing the right to vote due to choice of lifestyle is unacceptable.

I would suggest that boat dwellers having difficulties exercising their right to vote consider Judicial Review.

### **Strict Liability Offences**

In order to use your vessel on inland waterways you must purchase an annual boat licence. Before the Navigation Authority will grant a licence the boat owner must obtain a boat safety certificate, insurance and a mooring; all this can take time. It follows that it is not normally possible to buy a craft and simultaneously obtain a licence. Thus, there will be a time when the boat will be on the water without a licence and there have been occasions when the Authorities have decided to prosecute the boat owner for not having a licence - a strict liability criminal offence. As a result, a number of people have been unfairly convicted when they have been unable to comply with the law.

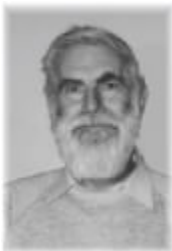
It is arguable that such proceedings violate the Convention; this is largely based on the notion that to allow strict liability offences is to rebut the required presumption of innocence. However, the European Court in *Salabiaku*(1991) 13 EHRR 379, acknowledged that presumptions of fact or law operate in every legal system and stated that a fact could be penalised whether the fact flowed from negligence or criminal intent. The Court did not state whether penalisation of a fact caused without negligence or criminal intent would breach the Convention, but did emphasise that they did not view the presumptions of fact or law within reasonable limits having regard to the rights of the defence. In *Hoang* (1992) EHRR 53, although the European Court upheld a presumption of fact they did so after emphasising the need for presumptions to be reasonable and noted that the case before it was not devoid of any defence, this is in stark contrast to waterway offences. I think it is arguable that a court concerned with strict liability water offences should read in a defence, that if a boat owner is able to show that he did all that was reasonably practical to obtain a licence then he will not be convicted of an offence. Alternatively, the Court could say that failure to obtain a licence can only be subject to criminal sanctions after a reasonable time limit has passed. It may assist the Court to know that they do not need to rely on the strict liability offences because an alternative statutory provision allows for compensation for the licence fee which is not dependant on criminal sanction and provides a defence of reasonable excuse. Whilst it will always be an uphill battle to persuade the judiciary to effectively rewrite the law, in this instance it is less difficult as the provisions governing this area of law are found in Local Acts, which can be struck down if they cannot be construed in a compatible way with the Convention.

### **To be continued...**

Michelle lives afloat, so rather than being in NABO she is a member of RBOA, so we are specially grateful that she shares her words of wisdom with us. Our next issue will bring you what she has to say on:

- Section 8 notice
- Social Security Benefits
- Restrictions on receiving mail
- Bail, both by police and in the courts

Any readers who have urgent need to read up on these topics before the next issue is printed please contact the editor.



# HAVE YOU ASKED NABO YET ?

If you have visited the NABO website recently I am sure you will have been mightily impressed with the results of the burning of much midnight oil by Mike Wooding and our new News Editor, Stuart. If you haven't, get on line now ([www.nabo.org.uk](http://www.nabo.org.uk)) and see what you have been missing!

One the new features on the site, which we hope will be of benefit to our members and also be very clear encouragement to possible recruits, and the generally curious, is ASK NABO. It provides a very easy way for anyone to ask Council about anything to do with NABO as an organisation and any and all matters about boating and the waterways. It is not that we claim encyclopaedic knowledge but we do have a remarkable breadth of experience and resources within Council and access to a lot of wise and weathered boaters around the system. We certainly don't reckon to have 100% answers even with these resources, but we will certainly do our best at least to point people in the right direction for an answer if we don't immediately have it.

Since its launch a few weeks ago we have already had a variety of queries. Most have been from those wanting to know more about boat owning, boat licensing, BSS, residential possibilities and "why join NABO rather than IWA?" (we say it is not necessarily either/or,

why not and/both - how about that for diplomacy?!). The most challenging so far has been for a source of life jackets for boat dogs. Our enquirer is now a very satisfied customer apparently although the dog has yet to carry out the ultimate test - so far .

For the time being questions are directed to me and if I cannot deal with them immediately I pass them to all of Council to see who can help, or to the individual member who is the most likely to have the solution. We will see how things develop, but so far so good. If you reckon to have particular knowledge or expertise that could be a resource to this, our latest service to members and non-members, please let me know a.s.a.p.

*Roger (Membership Secretary)*



Dog-over-board!

NABO can even find where to get life-jackets for the likes of him!

PS Don't forget, you can get NABO boat/car stickers (free) and pennants (burgees) £8 from me. Fly the flag - our latest recruit says he joined because he sees more NABO stickers around the system than any other organisation!

## **The Recreational Craft Directive - the latest on Emissions**

By now many of you may have heard of the proposed amendment to the European Recreational Craft Directive (RCD) which will bring in restrictions to the exhaust and noise emissions from Inland Waterway boat engines.

The file on this issue is now over three inches thick and it is challenging to attempt to condense it into a short article.

As usual with European Commission proposals, it is not the good intent, but their lack of understanding of the heritage of individual parts of the community that cause the problem. The intent was to ensure that emissions are kept as low as possible. For new modern engines this is difficult to argue against. However, some older engine designs may have difficulty meeting these standards. Only pre 1950 boats (with pre 1960 designed engines) will be exempt.

We believe these engines are an important part of our Inland Waterway culture and losing the freedom to install them will significantly affect our heritage.

To put this into context, the Commission estimates that in 1998 the total number of boats in the European trade area is over 4,500,000 with motorboats accounting for over 3,500,000. Also in 1998, sales of Outboard engines came to 196,600 with inboard Diesel type engines amounting to 26,000. The UK inland boats amount to a very small proportion of these figures. Clearly, the legislation is mainly aimed at the high speed, high revving and noisier 'powerboat' end of the market.

The areas of concern are complex but in short:-

Application of these standards will be retrospective. If boat owners carry out

more than a minor modification to their engine (or major conversion to the boat) they would have to comply with the new emission regulations to gain certification. This would also apply if a more powerful engine were fitted. A particular concern is that boaters may struggle along with worn and unreliable engines rather than face extra compliance costs when replacing or upgrading.

Under the original RCD, "Craft built for own use" were exempt. Under this amendment they will have to meet the new emission standards. In addition, "partly completed craft/boats" will also have to comply. Meeting the noise testing requirements may be physically impossible for these boats.

For high volume engine manufacturers, the costs of obtaining 'type' approval for their engines may be acceptable. However, when building a new boat many would prefer to install a lower revving classically designed or restored engine. The cost of individual compliance testing could be prohibitive for most owners and signal the end of many classic designs.

The sting however is in the tail... Article 2. This requires that within two years Member States have to declare how they will implement a system to ensure compliance. In other words, potentially an 'MOT' style test to prove you are within the limits. The practicalities and costs of such a test are daunting. All of the organisations that have commented on the amendment have singled this one out for deletion.

The construction and refurbishment of engines (including replicas) that follow

traditional designs (in part or whole) should not be restricted. It must be accepted that within the UK, its inland waterways enjoy a unique heritage and cultural position that is rarely seen elsewhere in Europe. While the majority of our boats and their engines are not faithful historic replicas they do follow a general heritage style and are an important part of that culture.

A series of detailed amendments have been proposed by various boating organisations consisting of around a dozen pages of technical argument and

justification. These have been put to the DTI and a number of MEP's who have not only shown good support for our cause but have quickly appreciated the technical arguments.

The MEP's that are taking up the argument on our behalf require your support as the proposal is taken through the committee stages of the legislation. We would urge all our members to lobby their own MEP and support the proposed changes to the amendment.

*Trevor Rogers*

*Advertisement*

*Advertisement*

*Advertisement*

# EDITORIAL

Before saying anything else, I would like to join with you all in thanking Wendy Hook for steering the NABO News through some fairly turbulent waters over the past few years, and I hope we don't see the end of her words of wisdom in the magazine. I remember meeting up with her on the G.U. last summer when she and Ken came aboard to share a meat pie from Milton Keynes market. I can tell you it was an excellent game pie, well enough lubricated to weaken my resistance to being nominated to the Council, so maybe you can put some of the blame on her !

It could be a mixed blessing for me as the Editor to be on Council. Yes, I can keep my finger on the pulse, but if you think this magazine is becoming just a Council mouthpiece please shout back, or, better still, feed me articles to redress the balance. NABO is the whole membership, not just those who visit the Waggon & Horses in Sandwell seven or eight times a year, don't let me forget it.

As a newcomer I feel I can still see the wood for the trees, and ever since the AGM I have this nagging feeling that we are in danger of becoming part of BW's unpaid sensory nervous system. In a way it is a good thing, it keeps the 'engine' warm and working should the tide turn, but the engine must not be found to be fouled up through insufficient use. However we do have a common enemy, criminals and vandals, and I am glad NABO is making this a prime issue in its 10th year.

Displaying NABO stickers hasn't made me immune to the incompetence of a well known navigation authority. In spite of being instructed not give us advanced warning by his office, so he claims, it was down to the decency of our local lock-keeper to phone and check that we knew that the pound where we moor was about to be de-watered. By this time we had only twenty-four hours in which to move our boats, and did they send him any assistance to help bow-haul the boats whose owners couldn't give up a weekday afternoon? What do you think?

Stuart Sampson

# NOTICES

Get your notices, snippets, small ads,  
and stickies posted here by simply  
sending them to the Editor or e-mailing  
[news.editor@nabo.org.uk](mailto:news.editor@nabo.org.uk)

**NABO NEEDS YOU**  
If you can help  
with Promotions,  
please contact Sue  
the Chair

HELEN BRINTON  
P'BOROUGH MP IS  
INTRODUCING A  
PARLIAMENTARY MOTION  
THAT SEEKS TO GIVE  
LOCAL AUTHORITIES  
THE POWER TO BAN  
BOATS FROM WILDLIFE  
SENSITIVE AREAS

Is this true?

**OXFORD CANAL WATER VOLES PROTEST TO  
BW BRAUNSTON ABOUT MOORING HAMMER  
NOISE. Resultant 'no mooring' areas to  
be given to anglers. Don't brollies have  
spikes too?**  
What about this one?

From Council minutes 10/3/01  
2 Accuracy of the previous m  
Item 3, 7 delete Sue



**Copy date for NABO News is  
now to be a week after  
Council meetings, so all  
essays must be in by:-**

- 3/01 - 5th May**
- 4/01 - 16th June**
- 5/01 - 4th August**
- 6/01 - 6th October**
- 7/01 - 1st December**

## WATCH YOUR MOORING

Urgent message from Ben & Bridget  
Fellows of working boats Astra and  
Content re: mooring at Merry Hill  
(Brierley Hill) on the Dudley No1.

Apparently many boats including  
theirs have been set loose by night  
club revellers and fishermen. They  
strongly recommend everyone  
stopping there to use chains and  
locks to the dollies provided,  
especially if leaving the boat

## EAST ONLY RIVERS LICENCE

BW & EA have agreed a licence for a trial  
period of one year from 1st April 2001. a  
licence covering 12 months one navigation  
+ 1 month on the other navigation + 5%

Boats can move their 12 month licence  
date to 1st April start with pro rata  
adjustment.

Scheme covers Rivers: Great Ouse, Nene,  
Trent, Soar, Ancholme, Welland, Glen

To  
celebrate  
Nabo's 10th birthday  
we will have our own Bar  
at the National Indoor Arena  
during the Inland Waterways  
Festival June 29th-1st July.  
Members and non-members  
welcome. Please come &  
find us.

**OLD MAGS?**  
Who has the  
earliest NABO  
News? Urgent  
need of archive  
material for  
decennial issue  
Ed.

# RIVERS REVIEW

Stephen Peters



## Do They Represent You?

“All vessels should be registered, including vessels moored off the main navigation channel in private marinas”.

The above statement comes from the IWA response to a recent consultation conducted by the EA on navigation and licensing. The Agency is currently reviewing its arrangements for both registering boats and methods of charging for licences across all three of its regions where it is the navigation authority.

If this is the official stance of IWA with regard to the licensing of craft moored in private marinas, do you think they represent the interests of boat owners? Well, we don't.

Many craft are moored in private mooring areas and marinas throughout the country because they do not require a current licence unless they venture out on to waterways controlled by, say, BW or the EA. They do not need to be registered or licensed if they are simply laid up afloat for the winter, as many of them are. So why should anyone wish to impose greater financial burdens on their owners?

Any views?

## Revised Opening Times for the River Severn and the Gloucester & Sharpness Canal

BW Gloucester office has confirmed that it intends to implement the proposed new lock and bridge opening time schedule with effect from the end of March 2001. This will mean that the opening times along the entire length of the two waterways will be harmonised for the first time ever; and there will be no closures for meal breaks.

The convoluted details were explained in a previous edition of NABO News and we submitted our view that the arrangements were too complex to be readily understood by the average boater. Some other users agreed with us but apparently the overwhelming view was that the new opening hours should be introduced - and BW has undertaken to review the situation after 12 months of operation.

Details are as follows:

Period	Start Week No	Finish Week No	Opening Time	Closing Time
1	43	9	0800	1600
2	9	13	0800	1730
3	13	28	0800	1830
4	28	36	0800	2000
5	36	43	0800	1730

N.B. All Weeks start on a Friday and end on a Thursday.

The entire waterway is closed on 1 January, 25 December & 26 December.



## Safe Navigation On Rivers

Thank you to the many members who have commended us on producing the first edition of a series of guidance booklets aimed at helping boat owners to gain maximum benefit from their membership of NABO.

The booklet which you will have received in the last mail-shot was compiled in response to the perceived need to give owners of canal-based craft the necessary insight into the potential pitfalls and difficulties of boating on river navigations for the first time. Some of the information contained in the booklet may be familiar to you, but if we succeed in helping just one member to cruise in greater safety along an unfamiliar river, we will have been successful.

We would still welcome your comments and observations on the booklet. Yes, we know there are a few apparent mistakes! For instance, does the Trent aegir ever reach 10 feet in height? We have it on good authority that, in exceptional circumstances of weather, tide and barometric pressure, it can do so. But maybe you know differently?

Why was the River Dee not included in the booklet? The immediate response could be “because no one sent us any notes on it”! A member has promised to let us have information on the Dee and we hope to incorporate them in a future edition.

Any urgent corrections or amendments will be notified to members in a future edition of NABO News - so please keep your comments rolling in

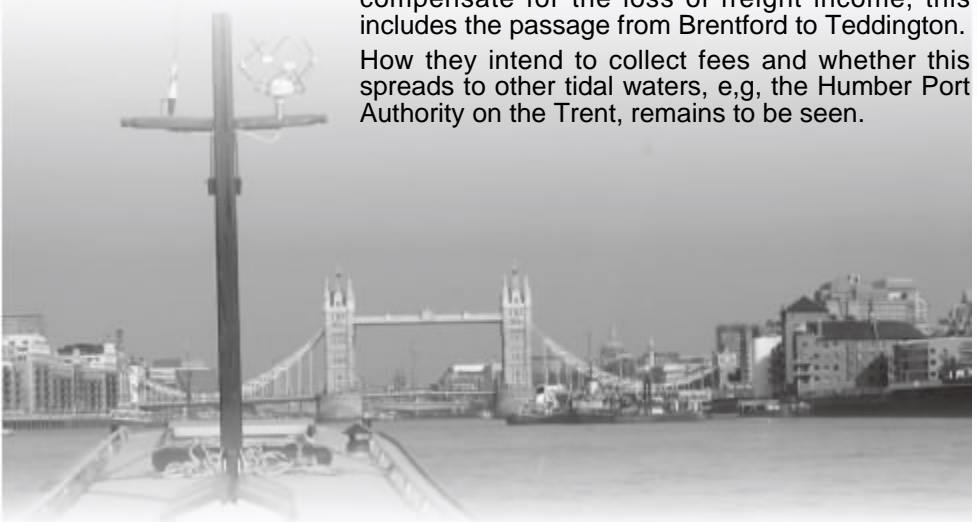
*Stephen Peters*

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## Will the ultimate free ride on English inland waters become a thing of the past?

The Port of London Authority may be looking to charge pleasure craft for the use of the tidal Thames upstream of a point near Tower Bridge to compensate for the loss of freight income, this includes the passage from Brentford to Teddington.

How they intend to collect fees and whether this spreads to other tidal waters, e.g, the Humber Port Authority on the Trent, remains to be seen.



# WHAT IS A MOORING MATRIX?

In simple terms, it is the way BW standardise mooring charges on most BW waters, countrywide. It was introduced in 1995 following lengthy consultation with User Groups including NABO. There are two elements:

**The 'facilities score'** calculated from a physical appraisal of the actual facilities available on a particular site e.g. security; water availability; car parking etc. etc. The resultant score is then allocated a 'bollard' score of between 1(low) and 5 (high).

For example, a site with a facility score of say 71 (good facilities) would be allocated a 'bollard' score of 4 whereas another site with fewer facilities as shown by a facility score of say 40 would have a 'bollard' score of 2.

**The 'location factor'** which is arrived at subjectively and can be loosely described as representing the general value to users of the mooring site. Matters taken into consideration when calculating this factor are the popularity of the Waterway; price comparison with private sector operators in the locality; empty spaces; waiting lists etc. These are allocated a 'rating' of between A (best) and J (worst) with each rating further split into High and Low.

The score of a very popular site with good facilities could be '4B High' whilst a less popular site with fewer facilities may be '2H Low'. This 'figure' is then read off a 'matrix' to give the actual mooring charge per metre

length of boat for that particular site. Under normal circumstances and unless there were changes in the

facilities or 'ambience' of a site it would be expected that the 'figure' would remain constant with the 'matrix' changing each year to reflect BW's annual increase in mooring charges.

As an example and based on 2001 charges, a 60' boat moored on a '4B High' site would attract a charge of £1556 per annum and on a '2H Low' site it would be £652 (before prompt payment discounts).

Fac			Loc	H/L	
80	5	BEST ↑ ↓ WORST	A	H L	
			B	H L	
60	4		C	H L	
			D	H L	
40	3		E	H L	
			F	H L	
20	2		G	H L	
			H	H L	
			1	I	H L
				J	H L

With me so far? Now we come to how to check YOUR mooring charge. You will require:

- a) BW paper entitled 'Criteria to be adopted in introducing Mooring Price Tables' (2 sheets) together with
  - Appendix 1 headed 'Mooring Site Facilities Scoring' and
  - Appendix 2 headed 'Location Factor'. These papers were issued in 1994 but remain current.
- b) Schedule of the facility scoring applicable to your site
- c) Note of the 'location factor' given to your site
- d) Details of the current mooring charges (i.e. the matrix)
- e) Extract of the 1995 Waterway Standards which you will require to calculate the towpath condition facility score.

Waterway Managers are obliged to provide these documents on request -

if you experience any problems refer them to the Waterways Ombudsman decision dated 7 December 1998 which stated 'I agree that this information should be available on request'.

So, why check?

**FIRSTLY** - you may find that the facility scoring is not quite in accordance with the explanatory notes. If the score is too low keep quiet but if it is too high this could result in a higher 'bollard' and therefore higher mooring charge. Going back to our example of a 60' boat - a score of '4B High' means a charge of £1556 but one 'bollard' lower of '3B High' results in £1450 - a difference of over £100.

**SECONDLY** - NABO is receiving reports of location factors being increased either by whole 'letters' or from 'low' band to the 'high' band. So what difference does this make? Lets use our 60' boat example again:

2H Low	£652 per annum
2H High	£705
2G Low	£758

It appears that Waterway Managers are simply stating that the increases are due to the existence of a waiting list for that site. However, there are many other factors involved and it is arguable whether the 'waiting list' reason on its own can justify an increase in the location factor.

Questions should be asked before

accepting such an increase, not least details of the waiting list - it is in BWs interests to keep the waiting list as long as possible by including names of people no longer boating: have found alternative moorings or are even dead etc, etc. The guidelines also state that the location factor should not move up more than one step per year and that any changes will be subject to consultation - in the cases seen so far this does not appear to have happened.

**THIRDLY** - a letter from BW received in January states: 'An extensive review of the Mooring Matrix has been carried out (and) as (the endings) will involve some changes to the system it will be necessary to carry out consultation with National User Groups' - which sounds very much like BW speak' for: 'we are going to increase mooring charges'.

A mooring charge calculated as a result of any 'new' system will have to be compared to one calculated under the existing system which makes it very important that your present mooring charge is correct - it may not be possible to alter inaccuracies later.

Checking your mooring charge may appear a little involved but when you receive the previously mentioned documentation from your Waterways Manager it all becomes much clearer - honest!

I do urge you to check them now.

Denis R Smith

## Stop Press - Exhaust Regulations

It has come to our attention that European regulations will require all boats to be used on waterways less than 20 metres wide to be fitted with exhaust outlets on both sides, and a diverting valve fitted so emissions can be directed away from wildlife and users of the bankside. BW are not expected to oppose this as it has additional benefits for anglers and cyclists. For further details refer to RCD Section 8476/APR1/89 Para 5b

# a bird's view from council



Well - things are looking bleak from up here, no boats on the move, hire companies getting upset and people stranded in odd places with some unable to reach the facilities. BW are being most helpful in some areas. We all feel we must do what we can to support MAFF the NFU and BW while they make every effort to control this outbreak of Foot and Mouth disease. One boater has said that the only good thing to come from it all is that there is no dog muck on the towpath as dog walking is banned!

From up here I can see all that goes on and it isn't the same thing in different areas of the country I can tell you. A rule made at Watford is interpreted in different ways in the regions by the feudal barons that are in charge. It seems that one despot has decided that it is a condition of the licence that boaters have a registered mooring; HE will fine boaters that overstay on moorings and different amounts depending on the popularity of the mooring. Oh surely this cannot be true?

Have you ever received an official request not to moor in a spot because it is being used for fishing? We have all heard unofficial requests, most of them are unprintable. There is a move to get fishing only areas but the authorities won't be open about it. From up here I can't see what goes on under the table!

What are we going to do about 'Crime on the Cut'? Not ignore it and hope it goes away, because it won't. We must all get together to report every incident so that there is a record to show bad areas and then we can get policing. There is no way that the whole system can be covered at once, so we need details.

What else have I spotted-

- Because of flooding they are planning some warning boards on the river Stort. I hope they aren't to be like the one on the Caldon that says not to proceed if the water is so far above a line!
- There are plans for some tunnels under the Tyne. Will they affect navigation?
- Plans for the K&A could include restrictions on boat movements.
- There may be some new visitor moorings in London (don't hold your breath).

Now for the good news and the bad news-

- Towpaths are being improved and upgraded, BUT that is so they can become cycleways.
- Once the new basin at Selly Oak is built they plan to make a tunnel under the trunk road to link it to other parts of the Dudley No2 that are in water, BUT they are thinking of them as 'Water Features', no mention of navigation.
- Although present plans for the new moorings at Stratford Basin may prevent you from winding, you can go onto the river to do it BUT you will have to pay for an Avon licence.
- They are revising the plans for the development as Foxton BUT they still don't include a boatyard (and do include shiny bits and plastic).
- I've heard that there are some much improved dredging plans on the

way BUT it's the River Wey.

As you know I keep my beady eye on the council members for you, but am I the only one who knows who they are? There was a letter from a member who said he had contacted some council members and received no reply. Not one council member had heard from him. Are there impersonators about? If so could they come and take some of the workload off the hard working members?

He's not the only one to get confused. I hope you read this newsletter with care as I will be testing you later. Some of you are thinking that council is responsible for opinions expressed in the letters from members, Me? I'm a bird, I just sit on the fence.



*Advertisement*

# A MESSAGE OF WARMTH FROM THE D.B.A.

## [a.k.a. The (Dutch) Barge Association]

At last, here are the current (updated) arrangements for buying bottled propane from BG through the DBA scheme. BG has now given DBA its own account manager, so I hope the scheme will run more smoothly from now on.

In general, following BG's purchase of Shell Gas, things have got better. I've now received confirmation from BG Bottled Gas, (was Super Gas) of the missing details of the revised arrangement, as follows:

New prices (ex VAT @ 5% but including delivery) for propane bottles (exchanges, empty for full) are as follows:-

Size (kg)	Retail (£)	DBA (£)
47	39.56	23.50
19	17.97	10.45
11	11.87	7.70
6	7.76	5.10

However, there is a minimum order of two bottles per site for a delivery. Notice, though, that this is \*per site\*, so if more than one boat on a mooring are willing to order simultaneously, each can get one bottle.

Rather than specifying that delivery will be provided only within a maximum distance from depots, the prices are higher than they were to cover delivery in mainland England, "Central Scotland" (not sure what that means, but are there any scheme members in Scotland?), and North and South Wales, but coverage in "mid Wales" is limited (which shouldn't be a problem as there are no navigations there)...

Delivery will be only on the scheduled delivery days in your area, which you can find out by phoning BG accounts (0345-171171) and giving your account number (or asking when you set up a new account).

To join the scheme, you must be a member of DBA, NABO, or RBOA (Residential Boat Owners Association). You can then telephone 0345-171171. Say that you wish to set up an account in the Barge Association (or DBA) scheme. You will be asked for your name, address, etc., and issued with an account number. Confirm the price(s) for the size(s) of bottle(s) you expect to be ordering. If they are \*different\* (especially, higher) than those above, something is wrong, probably that the account person has not identified the DBA scheme properly to link your account. Persist. You will be billed individually for each order you place.

You must have BG gas bottles (some are still labelled Supergas or Shell) to use the scheme. Calor Gas bottles are not acceptable. If you have none, you must rent the first couple (which you exchange when empty for full ones at no further rental charge). The rental charge is £14 / bottle (no matter what size).

If you have an account on the scheme, you should telephone 0845-762-6379 to place orders for gas, quoting your account number. This number has not changed.

I remain DBA's contact with BG for scheme administration. If you have problems, please get in touch with me.

Adrian Stott      E-mail: [adrian@enable.telinco.com](mailto:adrian@enable.telinco.com)      Tel: 07956-299966

# LETTERS



## *In an emergency*

In the letters section of the 1/01 issue of NABO News, Kit Swinfen refers to the problem of giving your location to the emergency services when you are in your boat.

One possibility is to use the Grid Reference system on the readily available Ordnance Survey maps (1:50,000 Landranger series) which I am sure many of your members will have in their boats. Using two letters and six numbers you can give your position on the map to within 100 meters. Obviously it would be a help if you could give your approximate whereabouts (e.g.. "On the canal near the village of Such-and-such"), but the Grid Reference would pinpoint your exact position. The instructions for compiling a Grid Reference are given on each map.

When we lived in a remote house in Cheshire, where the postal address was of little help in finding us, we had our Grid Reference pasted on the telephone having been assured that the staff in the control rooms of all the emergency services in Cheshire were familiar with the

system and would be able to direct the fire/ police/ambulance to us from the Grid Reference alone. I do not know whether all emergency services in the country are so trained and could direct the services to your boat from a Grid Reference supported by an indication of your approximate whereabouts.

Can some of the NABO members who work in these services tell us whether this would be a practical solution over the whole network?

Brian Gresham, Shropshire

'In the door and up the stairs', is how I was taught to do grid refs, measure along (Eastings) then up (Northings) .. Ed.

## ***Vandalism***

Many thanks for the latest NABO news - interesting as ever. I was interested in the lack of consultation promised by BW over vandalism. It appears nobody wants to know!

We had our 30ft narrow boat 'attacked' on the early morning of

windows were broken down one side together with two other boats which were damaged and set adrift. This debacle has now cost us £100 and the insurance company £1500. The vandals were apprehended by two passers by and as one vandal had seriously cut his arm blood was deposited on a coat. This was given to the police and as usual nothing has happened.

The boat is now being repaired and will be sold. We have only been boating for a couple of years and have thoroughly enjoyed it but I am not prepared to lie awake at night worrying about a boat moored on a river which constantly floods, is liable to be vandalised, is subject to daft safety standards, costs a fortune to moor securely and is charged a lot of money to use the river system here in the Avon Valley.

I have given boating a chance but I am going back to caravanning enabling me to travel where I like, when I like and at a vastly reduced cost (fuel excepted). Parking costs £300 per year, sites cost about a fiver a night including electric and I can sleep at night (value incalculable). Sorry but I will be one of those causing the traffic jams in the summer! I am happy to remain a member until the boat is sold, hopefully quickly.

John Stych (R Avon)

### ***NABO guidance papers***

I have just received and read Issue 1/01 of the NABO NEWS. As usual I enjoy reading the issues, that should interest all boat owners and those who hire boats on the canal system.

I was however, extremely impressed with the guidance paper on Safe Navigation that accompanied the issue. You are definitely filling a gap that has been left unfilled by BW in the routine glossy reports that are published. The information in the paper is something you could possibly build on by compiling guides of a similar nature based on reader/members recommendations on favourite pubs/restaurants or stopping places round the system.

Thank you for a very informative series of newsletters.

David Pellatt MBE (Braunston)

### ***BW Commitment to Caring?***

I could not believe what I was reading in the last issue of NABO News reporting that BW's booklet 'Caring for Britain's Waterways' - which represents its service commitment to its customers (Charter Mark) - was out of print but that BW had reassured NABO

Note – Views expressed in readers' letters are not to be taken as those of NABO as a whole



that they had *'no intention of changing the booklet in terms of its customer service commitments* when it was reprinted as soon as practicable.

How strange then, that I have a copy of a letter dated 14 November 2000 sent by BW's Chief Executive to the Waterways Ombudsman informing him that a review of this booklet will take place in early 2001 and goes on (quote) *'Any revision resulting from that review will be subject to consultation. It may be considered appropriate in a revised edition to give fuller information to customers about the standards of service they may expect from BW offices and the circumstances or*

*reasons why, on occasions, those standards may have to vary from the norm*

Why can't we rely on anything these days?

Denis R Smith (Kinver)

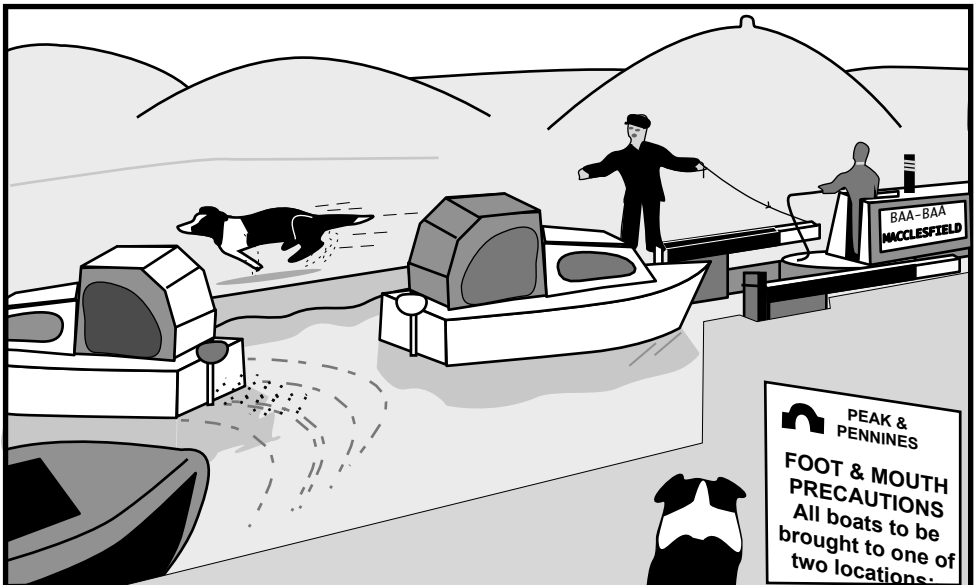
### *To celebrate a Birthday*

Ten years have run  
Since we begun  
To boost the boaters' cause  
We take a peek  
Then stand and speak  
About the many flaws  
In petty rules  
That suits and fools  
Would make us have as laws . .

(More please - and a tune? Ed.)

Anon

Note – Views expressed in readers' letters are not to be taken as those of NABO as a whole



"..and now to the pen. Oh dear! The judges will be docking the points now."

## ITEMS FOR PUBLICATION

There are two things wrong with your new Editor. Firstly he is a volunteer, and secondly he is a lousy typist, so he has to use every means at his disposal to bring you this publication with the minimum of drudgery.

He is happy to receive your contributions in any form he can read, but he would be a far happier bunny if he didn't have to type them all in. The easiest form for him is by e-mail to **news.editor@nabo.org.uk**, either as attached plain text documents or written into the body of the message. He can decipher many word processor formats (e.g. Word, Wordperfect, Claris) but will probably want to re-style it anyway. He can also read off CD/R or 3 1/2 inch floppy disc

If you are not computerised then paper it must be. Type it if you can using the clearest typeface with well spaced letters at your disposal and try to send it unfolded, then his computer can have a crack at reading it. Fancy typefaces on an old dot matrix printer are difficult. What appears to you as.

*which is re-produced below*

looks to the computer like:-

*which is re-produced below*

which it could be forgiven for reading as

\|r|c|r| is 'n-prodiic.tc1 lre|nv!

Once he has read it he has to fit it into the magazine, so please try to get the point across in less than two sides of A4 paper.

Many of the articles are written by Council members, or experts of one kind or another. They are important and informative but can be a bit serious. To make NABO News more readable some lighter hearted items would be very welcome. Preferably keep some link to what NABO is all about and write what you think those boat owners who don't know you from Adam would find worth reading.

Your editor would be particularly grateful for snippets and, of course, letters, but please don't send him anything from which you expect an official NABO response. Those letters or messages need to be addressed to the Council member(s) concerned with the matter. If the matter is local write to your Regional Secretary, otherwise address it to a specialist member or the General Secretary.

Your new editor should now be better equipped to deal with images. Line drawings, photos and cartoons would be very welcome.

If you enjoy reading NABO News, take pleasure in contributing to it too.

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**'CUT CRIME ON THE CUT'**  
**NABO News ease-out supplement**



**WEST  
MIDLANDS  
POLICE  
CANAL  
BOUNDARY  
MAP**



Prepared in association with the B.C.N. Society, West Midlands Police and British Waterways

West Midlands Police cover the canals as depicted on the map overleaf. Their Police Areas are defined by the dotted lines and the canal structures corresponding to their boundaries are named.

Whether using 999 - if life is at risk or perpetrators of crime are still at the scene - or the area help desk numbers as shown, always describe your location using the names or numbers of canal structures. Their Police 'MIDAS' Command and Control mapping computer recognises such locations: do not accept any claims to the contrary.

The Fire and Ambulance systems also recognise canal locations.

Take note of any crime number allocated by the Police to any incident you report.

British Waterways also have a duty of care to those using their property, so report incidents to them too, and let NABO know.

Canalphone - 01384 215785 (Mobiles)  
BW Tipton - 0121 506 1300  
Crime Stoppers - 0800 555111  
Environment Agency - 0800 807060  
RSPCA (animal welfare) - 0990 555999

This leaflet is based on a map produced by the B.C.N Society from information provided by West Midlands Police and British Waterways. NABO wishes to thank all those who have allowed our members to benefit from their work on this.

No-one involved in the preparation of this leaflet accepts any liability for any direct or consequential loss arising from any action taken as a result of reading this document

# WEST MIDLANDS POLICE CANAL BOUNDARY MAP

**Dial 999 if**

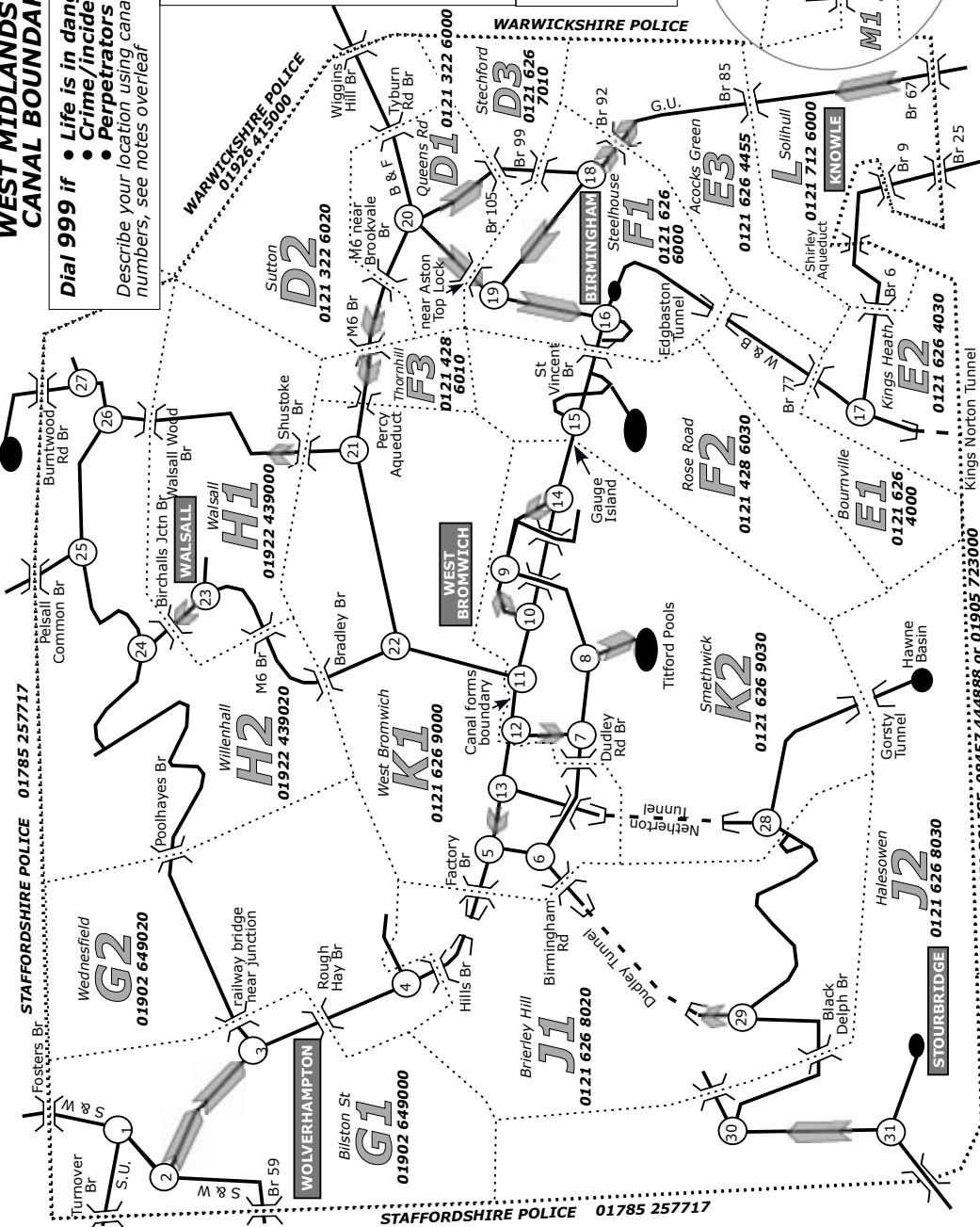
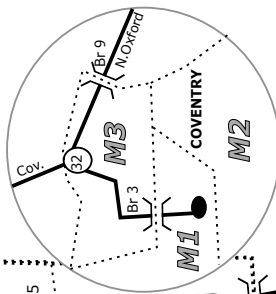
- **Life is in danger**
- **Crime/incident still happening**
- **Perpetrator still on scene**

Describe your location using canal structure names or numbers, see notes overleaf

To report crimes no longer in progress, find your location on the map then use the telephone number in your area as defined by the dotted lines.

For Coventry (inset)  
**M1** - Little Park St  
 02476 539000  
**M2** - Chase Avenue  
 02476 539040  
**M3** - Stoney Stanton  
 02476 539020

For Junction names see over.  
 Police specific information is in *italics*  
 Map **not** to scale



STAFFORDSHIRE POLICE 01785 257717

WEST MERCIA POLICE 08457 444888 or 01905 723000

## Junction Names

- 1 Autherley
- 2 Aldersley
- 3 Horsley Fields
- 4 Deepfields
- 5 Factory
- 6 Tipton
- 7 Bradeshall
- 8 Oldbury
- 9 Spon Lane
- 10 Bromford
- 11 Pudding Green
- 12 Albion
- 13 Dudley Port
- 14 Smethwick
- 15 Winson Green
- 16 Farmers Bridge
- 17 Kings Norton
- 18 Bordesley
- 19 Aston
- 20 Salford
- 21 Rushall
- 22 Tame Valley
- 23 Walsall
- 24 Birchills
- 25 Pelsall
- 26 Catshill
- 27 Ogley
- 28 Windmill
- 29 Parkhead
- 30 Leys
- 31 Wordsley
- 32 Hawkesbury

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