



NABO News

The Magazine of the National Association of Boat Owners
Issue 1—January 2013

A LETTER FROM THE CHAIRMAN

21st AGM REPORT

FINANCES AT THE EA

HIGH COURT JUDGEMENT

NBTA receives the result of its call for a Judicial Review

LICENSE TERMS AND CONDITIONS

Does NABO think they are fair?

A TALE OF LOCHS AND LOCKS

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NABO News

The magazine of the National Association of Boat Owners

Issue 1 January 2013

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Contributions

Articles, letters, cartoons and photos are most welcome. Images and photos in JPEG format please.

Contributions to nabonews@nabo.org.uk

Next NABO News Copy Date

Please email or post your contributions by 9th February 2012

Front Cover Photo Competition



My thanks to Steve Barratt for this wintry evening shot.

Win yourself a year's free membership by sending us an image for the front cover of the new NABO News. In the first instance please send a low resolution JPEG by email. The photo

should ideally be portrait format with a width of at least 1800 pixels.

NABO Calendar 2013

Council Meetings in 2013:

Saturday 2nd February, Saturday 16th March, Saturday 27th April, Saturday 8th June, Saturday 20th July (provisional), Saturday 7th September, Saturday 19th Oct, AGM Saturday 16th November

Council meetings are normally at the Waggon and Horses, Church St., Oldbury, West Midlands, B69 3AD. Remember that members are welcome to attend meetings—just let the Secretary or Chairman know in advance (contact details overleaf).

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On the future of NABO

A letter to our members from NABO's Chairman

Dear Member,

NABO Council has been given a mandate by our members following the AGM held on 17 November 2012 to consider raising the annual subscription rate, having regard to the likely impact this would have on existing membership numbers and the viability of the Association going forward.

The accounts for the last financial year indicate that our expenditure exceeds income by nearly £7,000 and if this scenario continues we would deplete our reserves within two years. Increasing costs and higher postal charges will only make matters worse. We have, therefore, been charged with investigating whether an increase of £5 or £10 per annum would be acceptable to current members and potential new members.

Given the low turnout at the AGM we felt it is necessary to gauge the views of our wider membership to help us to come to a decision about the financial position and prospects for the continued existence of NABO.

If we take no action, we would have to consider winding up the Association at next year's AGM. If members want NABO to continue and support an increase in the annual subscription rates we still need to evaluate the likely impact on membership retention and future recruitment. Subscription rates were last increased in 1999 and have not kept pace with inflation since that date. We know that other boating organisations have higher annual subscription rates than NABO.

NABO Council currently comprises only seven volunteers (with vacancies for a further five co-options) who shoulder the burden of running the Association and dealing with the many facets of giving representation to boat owners. Despite repeated requests we find it difficult to attract practical help from our members to fill the roles that our organisation demands. We need fresh ideas and new faces on Council.

We know that you generally think your Council members are doing a good job and you approve of the high standard of NABO News—but we cannot continue our work without more help and input from YOU. There is a limit to what a small number of active members can achieve.



We urgently need more members to attend local user group meetings and report back, help with the NABO website, membership and recruitment, publicity, regional representation, general administration; and a full complement on Council. If you care about NABO (and we think you do) please take time consider whether you are able to offer practical help and whether you would be willing to pay £5 or £10 more each year to keep our finances healthy.

Would you be prepared to pay more? Do you have any spare time or skills to assist us? What would attract you to attend our AGM? Has NABO run its course? Do boat owners need NABO? Do you want NABO to continue? Let us know your thoughts on these matters in the New Year and feel free to contact me or another Council member to exchange views.

The future of NABO is in your hands and the way ahead will depend on what you tell us. Please respond to this appeal.

Yours sincerely,

David Fletcher

My christmas list

Season's greetings from editor **Peter Fellows**



First, my best wishes for Christmas and happy boating next year.

We can only hope the weather in 2013 will be kinder to boaters than most of last year—in this issue Janice Steckerl recounts her experiences of the wind and rain on the Caledonian Canal. Elsewhere there are two articles concerning the EA: a report on its financing and a review by Louis Jankel on consultation with Thames users. Stephen Peters describes LPG installations on boats, David Fletcher reports on a recent court ruling concerning continuous cruisers and also on the reply from CRT to questions NABO posed about the Terms and Conditions of boat licences. There is also news of NABO's AGM, where a relatively small turnout enjoyed an excellent talk on the past and present issues

facing the K&A by Mike Rodd of the K&A Trust.

However, the main message of this issue is the future of NABO: as David explains in his letter above, we are approaching crunch-time and need more volunteers to run the Association—and new members. We warmly welcome Jane Taylor to NABO's Council, but more people have to get involved if NABO is to continue. Clearly, some jobs are more attractive than others and I must again thank the six members who volunteered to proof-read NABO News. You can also help by attending local meetings, or if you prefer to stay at home, we need help with the website, press and communications among other jobs listed in the Chairman's Column. Please make it your New Year's resolution to help NABO.

Wishing you all a Merry Christmas and
Happy Boating in the New Year



Straight talking

The bare necessities from **David Fletcher**

Well here I am again. Not quite what I had in mind, but Council have asked me to continue as Chairman for the present. This is not what I would have wished and it really has to stop some time soon. The AGM took place in Bradford on Avon in November and those members who stood for Council were returned unopposed.

A welcome new face

I welcome Jane Taylor to Council as a new member. She attended her first Council meeting and already is offering a new perspective and experience. You can read some words of introduction elsewhere.

Tough decisions at the AGM

Your Council faces some tough decisions going forward and the present group cannot do this alone or in isolation. The AGM endorsed the need for an increase in membership fees and the letter above explains this. In addition many of the Council members have served for years and years, and cannot be expected to continue indefinitely. What is to happen when these individuals, myself included, have had enough? I have frequently called for help on Council and the response has just not been enough to sustain what we are doing, or help us adapt to new technologies or the profile we need. The steady loss in membership is clear evidence of this. In the box there is a list of tasks that Council has identified which need to be done immediately. Please come forward and help to spread the load.

I recently attended a CRT Navigation Advisory Group meet-

ing. What a pleasure it was to talk about the essential boaty issues of service points, lock furniture, vegetation and dredging. No lawyers or mooring plans in sight. What a change and what a relief! The meeting was very constructive and open, and CRT asked for guidance on many issues.

EA fee increases

EA has recently announced that it will continue to apply increases to registration fees at 2% above inflation (see the report in this issue). I am really disappointed with this outcome, particularly after the CRT announcement to limit increases to inflation only, for 3 years after next year. EA of course is still in a beauty contest to join CRT in 2015.

It is very important for them to maintain the already high level of asset condition, because this will be one of the significant issues if CRT is to be persuaded to take them over. Obviously they are not persuaded that fee increases would impact on boater numbers. In fact registration income could be expected to continue to rise due to the very active enforcement on boat registration.

Good news at Aylesbury

I am delighted that the Aylesbury Canal Society has, at last, the agreements and money in place to start on their new facility just out of the town. This friendly group of boat lovers have been planning and hoping for this move from the Town Basin for many years. I wish them a speedy construction and good moorings in Circus Field.

The jobs that Council needs immediate help with are:

- Continuous cruiser rep
- Regional reps (duplication is not a problem)
- Understudies for all main officers
- Membership issues co-ordinator
- Press and communications officer
- Council minutes secretary
- Volunteer finder secretary
- Web support secretary

The 21st AGM: Report

New directions

Re-elected chairman **David Fletcher** on the NABO AGM 2012

Our thanks to Mike Rodd, Chairman of The Kennet and Avon Canal Trust Council, for an illuminating talk on the issues that have faced the Trust in the past and those that it is currently dealing with now that CRT has replaced BW.

In 2012, NABO representatives have attended a full range of consultation meetings with DEFRA, BW, then CRT and EA, BSS, NINE, and other user groups etc, both nationally and locally. This is the core work of the Association, monitoring what is going on, reading the papers, listening to the presentations and making considered comments both in writing and at meetings. Our comments are not always appreciated, but never mind.

It is important that we have a balanced view from members, so please do take the time to let us know what you are thinking. Your Council are active in seeking views, but we can always use more. We are currently active with issues concerning the licence conditions, and also the national and K&A mooring strategies, house boat certificates, EU legislation on RCD, and other matters. These sorts of issues will impact on all boaters, whether hiring, owning, home moorings or continuous cruisers and we should not sit idly by whilst changes are made.

The set up of the CRT mid-year has brought opportunities, but it is too early to call it a success. NABO was involved with candidates for

CRT Council and at least two Partnership places, so far without success. But it is really too soon to know whether we will miss out from this, or whether we are better functioning independently and without any hint of conflict of interest. I have been asked to sit on the Navigation Advisory Group. There is nothing new about this; the subject matter was covered under BW by the group known as WUSIG. We debated the subject last year and concluded we should have a go and see what happens. I think the same conclusion is needed now, though I welcome your views.

NABO's relationship with CRT

We have tried to maintain relationships with some of the new Trustees, and the Council boater representatives and many of these receive NABO News. We deliberately write pieces to send messages to the outside world as well as our members. The Partnership activity is very mixed and I ask all members to monitor what is going on in your areas, and let us know about the good and bad. Minutes for some are non-existent, whereas others are much better. What is happening to your

Mike Rodd addressing NABO members at the AGM



waterway?

The big question is how attitudes will change within CRT and how best to present boaters' views. We continue to be fairly robust on some of our core issues. The transition will take time. There is a nice contrast between CRT and EA over licence fees—CRT at the Consumer Price Index and EA with 2% over—and little sympathy with the impact on private boaters.

As I said last year and the year before, we have not always been able to cover all the consultation meetings and there is always a need for more members to support this work and share the load. Please do volunteer. If nobody attends, we do not get the information and get out of touch, and we miss an opportunity of networking and applying pressure over a range of issues.

EA + CRT = ?

We should not forget EA has its issues too. Cost pressures are leading to changes in the way that it wishes to interface with us. The fact is that if we do not add value to the discussion, (that does not mean agreeing) we will get dropped. Next year will be significant for EA navigations, as they will be considered by DEFRA for transfer to CRT. Obviously CRT will have a view, but this issue will be back with us next year.

This has been my fourth year in the Chair and I have to express our appreciation to members and to Council for your continued time and efforts and support. We are still down in numbers on Council and this is now becoming a critical issue. We are fortunate that almost all the current Council members are standing again and we have one new volunteer. But it is not nearly enough and the current team cannot go on and on. If a significant number of new Council members do not

come forward and take on the work, then we face a bleak future. NABO will stop. Other factors are the membership which is at best static, and the costs reported by the Hon. Treasurer. Like many clubs and societies, even political parties, we have a crisis looming. Council is not a secret society for a few. Please do come to a meeting and see what it is all about and how you can contribute.

NABO reaching out

NABO News remains our main communication with membership. Peter Fellows is our Editor and he has been in the hot seat for more than a year. Chris Pink, who is responsible for art work and design, is also here. Can we all please show our appreciation for their fantastic work. John Slee has carried out some very significant work on the website and management of membership data. This project is not quite complete, but we are now able to recruit online and we do see the benefit of this. Unfortunately John has had to stand down from Council and his role as web master, and continuous cruiser rep for personal reasons. This is a very significant loss to us, and the web development is effectively stopped until we find a replacement. We may have to pay for this service if nobody comes forward. We should mark our thanks for enormous effort John has made to get us where we are. The website is functioning well and we are always in need to items, so please do let us know. The site feeds to Twitter and Facebook and we continue to experiment in these areas. It does get our name out there and all advice is to continue with this, particularly Twitter.

Membership

Our membership numbers are still dropping a little and my thanks go to all those who have recruited



David Fletcher, Richard Carpenter, Stephen Peters and Geoffrey Rogerson

The 21st AGM

“ Hello from Staffordshire, my name is Jane Taylor and I have recently been voted onto the NABO Council. I attended the first meeting of the year last Saturday at the Waggon and Horses at Oldbury, West Midlands. Many thanks to Richard Carpenter for giving me a lift and the council for their warm welcome. I have a lot of information to process from the meeting but I have been assured lots of support if I need it. I am looking forward to working with everybody looking after the interests of the members of NABO.



CRT suddenly stopped consulting over mooring strategies on the K&A at the end of last year and new initiatives are underway. Geoffrey and Andy are our local representatives and they continue to be active, watching what is happening and trying to influence the outcome. What happens here is important nationally as well as locally and we must take note as it is by no means clear that proposals are to the benefit of boaters in general. The threat of Roving Mooring Permits has returned and we shall watch this carefully.



new members. We did not attend Crick again this year, partly because Council members were not available for the four days, and anyway we doubted the cost effectiveness of this. We suspect that many of the recruits gained from these exercises do not stay long-term, perhaps only one year. With universal tight budgets a fact of life, there remains an issue over short-term gratification, which we do not offer, and we cannot compete with the blogs and professional waterways press. Why should I join?



Andrew Colyer and Simon Robbins

Balancing the books

Money is a significant issue for us, but not a crisis. Costs continue to rise. Membership income is down and we have to balance the books. Richard Carpenter has found us some advertising and this will make a significant difference. There were several debates as to whether this is the right thing to do and we should thank Richard, for this will make a significant difference to our funding. Of course that is not the only work that Richard does and we have to thank him for his boundless energy in keeping the Association on track day in, day out.

Houseboat issues

Simon Robbins has been working hard with CRT on the issue of Houseboat Certificates and we responded to the consultation. Some say this is not a significant issue, but there are several general issues of how boaters are treated and the BW Acts, which have deserved comment. Houseboat certificate holders will for the first time have a written contract. This basic business convention has been denied before, and it is primarily due to Simon's pressure that this will come about. We may not be fully happy with the outcome of the consultation, but we are moving. It is another example of where steady pressure over a long period can have an effect. Our thanks to Simon for his dedication.

There is much to be done in the coming year, both in consultation and for internal NABO business. We are needed, for other user groups are focused in a different way and we have that unique selling point. Your Council need help to carry this on and secure the future. This concludes my main report.



New Waterways Ombudsman

The new Waterways Ombudsman is Andrew Walker, who will take on the part-time role for a minimum of four years and will be responsible for investigating complaints made about the CRT and its subsidiaries. Andrew brings extensive experience from the regulatory and ombudsmen worlds. After gaining a degree in physics, he worked as a nuclear physicist on submarine propulsion systems, and then moved into IT and telecoms and has worked at the Monopolies and Mergers Commission and the Office for Fair Trading. Between 2001 and 2008 he worked first for Of tel then Ofcom, before moving to the Office of the Telecommunications Ombudsman (Otel) as the lead ombudsman. He spent over four years in that role, taking overall responsibility for the handling of complaints about communications providers, leaving in June 2012. He was appointed Ombudsman in November, following open competition for the post. Professor Sir Jeffrey Jowell, Chair of the Waterways Ombudsmen Committee said: "Andrew brings with him a thorough understanding of ombudsmen processes and substantial experience of dealing with complex issues

and disputes. I am delighted we have appointed such a high calibre individual for this independent post and am confident that Andrew will deal with complaints and issues with integrity and fairness." The Ombudsman is independent of the CRT and does not make or influence the Trust's policy, but investigates specific complaints which have completed the CRT complaints procedure and can require remedies and the payment of compensation where appropriate. There is no charge for using the Ombudsman services. The Ombudsman scheme's website is at www.waterways-ombudsman.org or contact Andrew by email at enquiries@waterways-ombudsman.org or by phone on 0161 9804858.

Breach repairs

In November, CRT reopened a 12-mile section of the Trent & Mersey Canal between Middlewich and Dutton, five weeks ahead of schedule following serious damage to the embankment at Croxton caused by exceptionally heavy rainfall in September. The Trust invested nearly £400k on the construction of new stone foundations and reconstruction of the embankment. This was then finished with the installation of a specialist 'enkamat', a flexible three-dimensional mat, which has been fitted over the new embankment. Concrete works increased the height of the crest of the embankment, which will help eradicate the low point on the wash wall and reduce the chance of the canal over topping again at this point. Engineers are currently completing designs for the reconstruction works at the Dutton breach. Contractors will begin works to gain access to the site to allow repair works to start.



NABO AGM

General Secretary **Richard Carpenter** gives his perspective

NABO's 21st AGM was held at Bradford on Avon on Saturday 17th November 2012. Rather than hold the AGM centrally in the country it was felt that it might be good to go south-west in view of the concentration of boaters and the K&A being involved in much of the debate on boating issues. Attendance however was poor and only 18 members came, as well as existing Council members.

Apologies were received from 11 members—needless to say many were from those travelling longer distances.

Chairman David Fletcher reported on NABO activities throughout the previous year after the formalities. As usual the amount of legwork, meeting attendances and consultation work that takes place surprised all present. In the first year of the new CRT the feeling was cautious optimism but still so many questions to be addressed. NABO has attempted to create new working relationships with members of the CRT Council – David has been invited to join the new Navigation Advisory Group which effectively replaces the old group known as WUSIG. The big question is how CRT will operate and how or if attitudes will change towards boaters. Council felt it should try and work with the new organisation but it was sceptical on many of the same old issues that affect boat owners—and feedback is that already NABO is seen as unhelpful.

David's main point was the need for more help for NABO to monitor and track the CRT movements—it is harder than ever to attract people to

give even a limited amount of time. Things were at a critical point with several Council members indicating that they will be unable to continue at the level they have done for the past years.

Thanks were given to all those who help around the regions and on Council with special thanks going to Peter Fellows who has done a sterling job on NABO News, which it is felt is the vital part of our work given that it reaches so many people in the waterways organisations. John Slee was also thanked for his time on Council and the transformation of our web presence.

The Micawber principle

Treasurer Stephen Peters outlined his financial report and this was followed by some robust discussion on the simple fact that our costs were running higher than our income and were it not for our reserves we could not continue. Membership was slowly falling and new members are fewer than those leaving. Research showed that most members who leave did so due to retirement from boat ownership—very little feedback on any other reason. The main costs were NABO News of course and a debate on its standards, presentation and distribution methods took place. This resulted in a broad agreement that it was the main tangible thing members received for their fees, and also showed our face at every level within the waterways movement, which should remain so. Advertising has helped offset costs and two new advertisers have been secured for the coming year. Others will be sought,

but in keeping with retaining the quality of the newsletter.

The meeting then had a general discussion by members on our future attitudes and work, but came back to the funding issues for the association. An increase in membership fees was proposed as one way to secure funding and a long debate followed outlining possible benefits and potential pitfalls. The end result is that the meeting passed a motion that the newly elected Council would be given the power to increase membership fees by up to a maximum of £10 per member. But this is subject to a consultation with members that would be completed before 1st March 2013. It should be pointed out that Membership Fees have remained as they are for the past 11 years.

After lunch our guest speaker, Mike Rodd, outgoing Chair of the K&A Trust and a high profile member of the boating and canal fraternity in the South West (and a NABO member) entertained us with stories and the issues the Trust has faced, and faces in the future, with the new relationship with CRT. We were joined by several non-members as we extended an invitation to boat owners in the area and their feedback was good all round

New Aylesbury Basin

In 2013 the Aylesbury Canal Society will be re-locating to its new home at Circus Field on the outskirts of the town alongside the canal at Broughton. Work is expected to start soon on the construction of a new basin with up to 40 moorings, dry and wet docks for boat maintenance and a new clubhouse. The society, formed in 1971 to encourage use of the canal and prevent its closure, has occupied the present canal basin, off Walton Street, for 40 years. The move to Circus Field will enable the final stages of the Aylesbury Vale District Council Waterside development to proceed. ACS Chairman, Bryan Barnes, said: "We have waited a very long time for this with many challenging problems resolved and no doubt many more to come! The Circus Field basin will provide the Society with some of the best inland waterway moorings in the country and we expect to attract more members and boats, with up to two weeks free secure moorings for visiting boats".

Are you being treated fairly?

Stephen Peters looks askance at the small print

Do you really understand the Terms and Conditions that you are required to agree to when you apply for a boat licence, take out marine insurance, or book a berth in a marina? Quite probably, like most of us, you never read the small print in the documents that you sign and simply expect the terms to be fair and reasonable. This may not always be the case and over the years a number of complaints have been made to the Office of Fair Trading (OFT) concerning the trading practices of waterway-related companies or navigation bodies.

If you suspect that you are being misled or subjected to onerous or illegal clauses in contracts, you may feel strongly enough to inform the OFT. It will not take direct action on your behalf, but it does collate all complaints and concerns for future possible investigations. It will not

disclose your identity to the company concerned so you need have no fear of being victimised. The OFT website is at www.offt.gov.uk, email contact Enquiries@oft.gsi.gov.uk, phone 08457 224499 or fax 020 7211 8877.

If you have a specific problem with an unfair trading practice or experience a problem with a trader and require practical advice, you may also contact the Citizens Advice consumer service either by telephone (08454 040506) or online at www.adviceguide.org.uk. If you have specific 'legal expenses' insurance cover with your boat insurance, you may find that this enables you to pursue claims against an unsatisfactory trader. You will be doing yourself and other fellow boaters a service by drawing the attention of these official bodies to consumer problems relating to boat ownership.

Environment Agency Finances

Angela Quayle's report to the National Navigation User Forum

Angela Quayle, Head of Navigation at the Environment Agency (EA) gave the following report to the National Navigation User Forum (NNUF) in November:

After consultation with customer representatives in 2011, the EA developed a Navigation Charging Plan for 2012—2015, which set out to:

- 1 Increase EA navigation charges by July CPI + 2% each year to 2015;
- 2 Increase registration charges by 6.4% from 1 January 2012;
- 3 Annually review the impact of increases, together with economic and other pressures on registration numbers and to review subsequent increases for 2013 and 2014 if the EA was not confident that customers can sustain them;
- 4 Freeze navigation charges for commercial boats at 2011 levels until 2015;
- 5 Introduce a rolling year for annual registrations;
- 6 Define and introduce a system for part refunding the registrations of boats in specific circumstances (to be defined).

Following a review of performance in the first year of the three-year charging plan, national navigation charges will increase by 4.6% for 2013-14 (July 2012 CPI of 2.6% plus 2%). For a medium-sized boat, this means an increase of around £12—£18 on an annual registration. Of the navigation user groups, Anglian and Medway representatives supported the 4.6% increase but the Thames representatives challenged the need for 2% above CPI. They wanted the increase at no more than CPI as some non-commercial customer

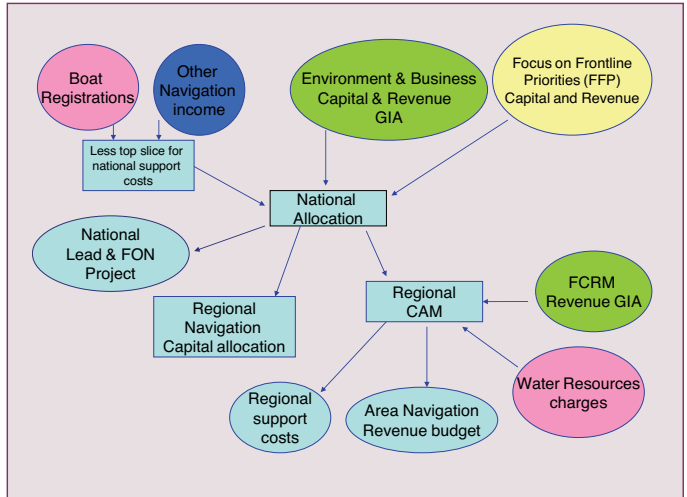
representatives felt they were being treated unfairly in comparison with the commercial boats.

In 2012, EA increased charges by 6.4% but commercial boats were held at 2011 prices to support boating businesses. Increased funding from charges is part of a wider package as waterways teams reduce their operating costs, prioritise funding to protect capital investment, and increase income from commercial and external sources. The charging plan aims to reduce reliance on public funding to provide a sustainable future for navigations, regardless of who manages and operates them.

Cost inflation and reductions in public funding mean increased income and reduced costs to best sustain the waterways. Not increasing charges would mean that locks, other assets and services that boaters need would deteriorate at an increasing rate and, in the long-term, potentially require higher restoration costs. This is likely to increase the frequency of operating failures for locks, causing greater delays and closures. In the worst cases, this could result in structures and navigations becoming unsafe or unworkable for use and thereby closed until funding is found.

Boat registrations for 2012-13 have held up although there will be a predicted small decline in Anglian waterways. The Inland Waterways Order (IWO) 2010 gave the EA new powers to register all boats on the waterways it manages, not just those 'in use'. This was new for the River Thames and implementing this legislation is bringing in more customers. EA is seeking to amend the IWO

so it can return to the previous position of enforcing registration in marinas on the River Medway. A survey of non-commercial Thames customers reported that although 61% agree their boat registration fee was significant in relation to other boating expenditure, half agreed it was good value for money and 85% were satisfied with the services provided by the EA. Two thirds were certain they would continue boating for the subsequent year. In response to complaints from customers who register during the year and are aggrieved at paying for a full year's registration, the EA is examining the potential for allowing customers to pay on a rolling annual basis from when they register their boat for the first time. This would require investment of >£50k in information technology, the budget for which is



severely constrained and it has not been possible to secure funding this year. Income from boat registrations is a critical element of overall navigation income. Figure 1 sets out how EA finances come together at the moment.

Figure 1: Navigation Finances
 GIA: Grant in Aid (Govt funding)
 FCRM: Flood and Coastal Risk Mgt
 CAM: Cost Allocation Model

Finance element	2012/13 Budget figures	13/14 indicatives
Boat registrations	5.8	6.07
Other navigation income	2.9	TBC
E&B GIA	8.4	4.25 + TBC
FFP	4	4 TBC
Matrix contributions	3.4	TBC
Total	24.5	TBC

Income (£million)
 TBC - to be confirmed

Income explained

Boat registration income includes private and commercial registrations, block registration agreements with the British Canoe Union and British Rowing, and the Gold Licence administered by the CRT. The charges are increased according to a three-year charging plan and 2013/14 is year two of the plan. Other navigation income covers all non-boat registration income re-

ceived by each navigation, including revenue from estates, accommodation licences and facilities, one-off income from the sale of assets (e.g. houses away from lock sites) and commercial development income.

Environment and Business (E&B) revenue grant in aid (GIA) is bid for annually to DEFRA. GIA makes up the revenue funding for staff and maintenance where navigation charges do not cover these costs.

GIA is under pressure and the allocation for navigation is considered alongside other EA responsibilities.

The 'Future of Navigation' project is funded from the Focus on Frontline Priorities funding (FFP), which has been achieved by making savings to invest in priority areas. FFP is also providing capital funding for improving the condition of navigation assets beyond the corporate plan. There has also been funding available to develop projects on

other waterways.

Matrix contributions:

Many of the assets that benefit navigation users also play a part in securing water resources or in managing flood risk. EA Navigation has received a significant budget from other functions within the regions (mainly flood and coastal risk management) to fund activities and maintenance that benefit more than one function.

Expenditure (£million)

Finance element	2012/13 Budget figures
Capital investment	10.8
Revenue expenditure	11.1
Support costs	2.6
Total	24.5

Expenditure explained

Following a recent period of significantly higher investment, 84% of EA's navigation assets are due to be at or above required condition by the end of 2012/13. The latest estimated annual expenditure required for capital investment in all navigation assets is £6.6m p.a.. The current spending review allocated £4.25m p.a. in principle, which would take 82.3% of assets to target condition. EA has been provisionally allocated £3.1m from the FFP budget to help secure sustainable navigations, which is not yet confirmed and if approved would take 91.6% of assets to target condition by the end of 2014/15. EA will prioritise investment in assets that are essential for navigation and the safe use of waterways.

Revenue expenditure covers staff, maintenance and incidental expenditure and the majority of income is allocated to this. There are 153 staff working on waterways activities. The services that are pro-

vided, by whom and how, are led by local managers in discussion with customer representatives. Each team bids for its base costs and for any projects it is seeking to deliver as part of the annual planning process. EA is seeking efficiencies in revenue budgets while trying to protect the levels of service as they currently stand. The latest estimate of annual revenue maintenance for navigation assets suggests EA needs £3.4m nationally p.a.. This is a planning figure that needs to be tested against actual investment and asset performance in order to refine it. As part of 2010 Spending Review, DEFRA challenged EA to reduce support services by 33% and it is on target to achieve this. This has meant EA is able to direct a larger proportion of the budget to operational teams than previously. As well as paying for its buildings, it also covers shared support services such as head office services, IT costs, finance, legal, HR, communications and estates support.

David Quarmby to head CRT Freight Advisory Group



The CRT has appointed David Quarmby CBE as the Chairman of its Freight Advisory Group to help establish the Trust's policy on inland waterway freight and provide strategic advice to the executive management on freight issues.

Mr Quarmby is a respected transport professional with a wealth of experience encompassing business, government, public bodies and academia.

Joining him on the Group are practitioners and experts in waterborne freight and the wider freight/logistics industry, including:

- **Mike Garratt**, Managing Director, MDS Transmodal, a logistics consultant with knowledge of all transport modes including inland waterways
- **Mark Grimshaw-Smith**, Head of Rail and Sea freight operations for CEMEX UK
- **James Hookham**, Managing Director, Policy & Communications from the Freight Transport Association
- **David Lowe**, Chairman of the Commercial Boat Operators Association with over 40 years' experience owning, managing and advising others on water freight businesses, passenger and hire vessels, restaurant boats, boat builders and boat yards
- **Dr Heather McLoughlin**, Director of the Business School at Canterbury Christ Church University and previously Director of Sea & Water with particular knowledge of waterways, freight and logistics

■ **Ian Wainwright**, Road Freight Programme Manager at Transport for London and previously Senior Policy Officer for Freight having spent 18 years in the logistics business

David Quarmby comments: "Whilst it is leisure and recreation that underpins much of the canal and rivers' renaissance, we should not forget that the waterways may still provide a viable, affordable and greener alternative to road transport in certain circumstances, particularly on the larger, more commercial waterways."

The Freight Advisory Group will be supported by the Trust's Head of Enterprise (South Wales and Southern England) and the North East Waterway Manager who have practical knowledge and experience of all Trust's activities and, in particular, freight operations.

In addition, John Dodwell, CRT Trustee, has also been invited to attend the Advisory Group's meetings because of his great interest and knowledge about waterway freight. The Group will meet as necessary over the next few months to develop a freight policy.

Thereafter it is intended to meet half yearly. Membership of the committee is voluntary and unsalaried although reasonable expenses will be paid.

If you would like to receive a copy of the CRT Draft Freight Policy once it has been prepared for consultation (likely to be in the summer) please email your contact details to freightadvisorygroup@canalrivertrust.org.uk

Boating: The Caledonian Canal

Of lochs and locks

Hire-boating on the Caledonian Canal

Leaving her narrowboat behind **Janice Steckerl** heads for the Highlands

We were almost knocked off our feet by the strong winds as we stepped off the plane at Inverness Airport, which caused us a few concerns about our forthcoming week cruising the Caledonian Canal. This stretches across the Highlands of Scotland from Inverness on the east coast to

Fort William in the west. We were a party of four and intended to start at a hire base in Inverness and travel the 60 miles to Banavie, the limit for hire craft, and back again. After a warm welcome at the boatyard just above the Muirtown Locks, we had a briefing on procedures at locks, moorings, a comprehensive tour of the cruiser, acquiring our lifejackets and then a trial run to get the feel of the steering, which was very different from our narrowboat. At the end of the ses-

sion we were told that the wind had strengthened to such a degree that going out onto Loch Ness was inadvisable and we should stop overnight at Dochgarroch Lock, about an hour away. When all 12 boats were ready we set off, each boat having a member of staff to see us through the first swing bridge and lock. All locks and bridges are operated by staff of Scottish Canals (formerly BW Scotland), so we only had to deal with the ropes in the lock. The usual practice is to hold the boat fore and aft with the engine turned off. The locks accommodate six or seven cruisers so it took some time to get ourselves organised, especially as we were being blown around by the wind. On Sunday morning, the wind had dropped sufficiently for us to carry on without further assistance across Loch Dochfour and Loch Ness to Fort Augustus, our planned destination. We decided to visit our original planned Saturday night stop in Urquhart Bay on our way back. We set off with some of the other boats but were soon on our own. During the following week we met trip boats, a few private cruisers and sailing yachts, and a hotel ship that was a restored 1930s cargo carrier, but the majority of craft were hire boats. At first we all donned our lifejackets and went out to enjoy the view and the novelty of steering from on top of the boat but this didn't last long as the clouds closed in and the rain began, so we retreated, thankful for the option of steering from inside. Crossing Loch Dochfour was rea-



Our hire cruiser for the Caledonian Moorings at Banavie, Right: The top of Neptune's Staircase, the 8 lock staircase down to the sea at Banavie

Photos: Janice Steckerl

Our boat was hired from Caley Cruisers, Inverness 01463 236328 <http://www.caleycruisers.com/>

sonably calm but as we passed the buoys at Lochend and moved out onto Loch Ness, we began to bounce around as we met the waves. Now we understood why we had been told to stop at Dochgarroch! With the wind and rain and steamed up windows, trying to look out for the marker buoys and keep the advised 300 metres from the shoreline, as well as the discomfort of being bounced around, we didn't have a chance to appreciate the beauty of the scenery. We could see other boats from time to time, which was reassuring, it took about four hours to cross the loch and, as the rain began to ease, we finally saw Fort Augustus in the distance.

We had a photo of the approach and advice to aim for the spire of the Abbey to reach the locks, and not follow the River Oich. We arrived at the bottom of the staircase of five locks, with boats already on the pontoons waiting for the lockkeepers. It takes over an hour to do the locks

Caledonian Canal: a brief history

The canal was constructed so that commercial sailing ships could avoid the treacherous journey around the north coast via Cape Wrath and the Pentland Firth. The first survey was carried out by James Watt in 1773, and in 1803, an Act of Parliament authorized the project. Engineers Thomas Telford and William Jessop oversaw the construction until Jessop died in 1814. Two thirds of the length is formed by Loch Dochfour, Loch Ness, Loch Oich, and Loch Lochy, which are part of the Great Glen, a geological fault running northeast to southwest from Inverness to Fort William. Because of the remote location, construction was started at both ends so that completed sections could be used to bring in materials for the middle sections. Difficulties were experienced with construction of the locks, the largest ever built at the time, and there were problems with the labour force, with high levels of absenteeism during the potato harvest and the peat cutting seasons. This led Telford to bring in Irish navvies, which led to further criticism, since one of the main aims of the project was to reduce unemployment in the Highlands. By the time the canal was completed in 1822 at a cost of £910,000, sailing ships had been replaced by steamships that were better able to negotiate coastal waters, so traffic through the canal never really paid for itself. The canal is now a Scheduled Ancient Monument. Further information and a skipper's guide to the canal can be downloaded from <http://www.scottishcanals.co.uk/our-canals/caledonian-canal/boating>



Boating: The Caledonian Canal

Facts and figures:

Natural lochs: 38 miles
 Canal cuttings: 22 miles
 Total length of canal: 60 miles
 Summit level (Loch Oich): 106 ft
 Locks: 29
 Bridges: 10
 Aqueducts: 4

The Caledonian Canal operates on a seasonal basis

- Winter: Monday to Friday 0900-1600
- Spring & Autumn: 7 days 0830-1730
- Summer: 7 days 0800-1800

Locks and bridges may be closed during lunch break.

If you want to take your own trailboat, there are slipways at

Caley Marina 01463 236328,

Great Glen Water Park 01809 501381 Corpach Boat Builders 01397 772861

The Scottish Canals slipway at Seaport Marina 01463 725500 is for small, non-motorised craft only.

after the road bridge at the bottom has been swung open. There were plenty of spectators to watch our activities and chat to the crew and we had a well earned lunch at the top. Fort Augustus is a small town with a selection of eating places, a few shops including a butcher selling venison and haggis of course, and opportunities for walkers to explore the locality.

Next morning, we made our way along the canal to Kytra Lock, where we were the only boat in the lock and were given gold stars by the lock keeper for wearing our lifejackets! Then on to Cullochry Lock, where the lock keeper had been warned of our imminent arrival. After waiting for Aberchalder Swing Bridge to open, we crossed Loch Oich, which is the summit and part of a hydroelectric scheme—we took great care to be the correct side of the marker buoys. Loch Lochy was our final loch for the day and we planned to stop after the locks at Gairloch. Again, the map showed two locks with a road swing bridge in the middle but we only used one lock. The lock keeper said that on a good day you could see Ben Nevis, but we had to take him at his word as we watched the rain continue to fall.

Tuesday was going to be slightly different as we planned a short cruise to Banavie and back. The main feature here is the magnificent Neptune's Staircase of eight locks which lead down to Loch Linnhe and then the Atlantic Ocean. But first we had to pass through Moy Swing Bridge. This is the last of the canal's original manually-operated double swing bridges. The bridge keeper has to use a windlass to open one side and then cross the canal to do the second. He is now allowed to use an outboard motor instead of having to row across. As we approached, one side was already open

and we prepared to wait until the second was opened but we were waved straight through, much to our disappointment. It was mid morning when we moored at Banavie to explore the area. As we walked down Neptune's Staircase, we were treated to the steam train to Mallaig crossing the swing bridge at the bottom as well as a tall-masted sailing yacht in the first lock making its way up. As it had finally stopped raining, we even managed a glimpse of Ben Nevis.

Our return journey to Fort Augustus with clearer skies meant we could really appreciate the countryside, which was beginning to show its autumnal colours. Then it was back along Laggan Avenue to Laggan Swing Bridge. We negotiated the marker buoys on Loch Oich again and back through Cullochry and Kytra locks before arriving at Fort Augustus. This time we moored on the pontoon by the services and after a wander around the town enjoyed a meal out in the evening.

Next morning we finally cleared the bottom lock just before 10am and we made our way back across the expanse of Loch Ness. How different from our previous experience: it was much calmer and we could enjoy being outside and seeing what we had missed before. Our destination was Urquhart Bay and we kept a look out for Urquhart Castle, which was a clear point of reference to turn off the main loch. We could have moored by the castle but chose the small harbour which gives easier access to Drumnadrochit village. Getting into the harbour and avoiding the shallows was simplified by clear marker buoys and we were moored up by lunchtime, giving us the afternoon to explore. Two local food establishments operate a 'pick you up' service if required and there is an exhibition on the Loch Ness Monster at Drumnadrochit, about

one and a half miles away.

Friday was our final journey back to the boatyard to hand the boat back early next morning. We left the harbour following the buoys to take us safely back out onto the loch. After Dochgarroch Lock we reached Tomnahurich Swing Bridge, we used the trip boat's landing stage to wait for the bridge to open. The keeper told us it was usual to keep a single boat waiting in the hope that another might turn up as he was not allowed to swing the bridge within ten minutes of a previous opening. He would be swinging the bridge just before midday as the bridge is then closed for an hour. There are similar closures in the mornings and evenings as it is the very busy A82 road. While he was chatting another boat appeared and he did the bridge for both of us. We stopped on the other side of the bridge for lunch as we did not want to be back at the boatyard too early, with the Friday start boats preparing to set off. While moored, this was confirmed by a small convoy of cruisers approaching the bridge. It didn't take long to do the final stretch and other boats had already returned. A member of staff came aboard to check the diesel and work out how much we had used.



We had paid a £200 fuel deposit and were pleased to find we were due some money back. While settling up in the office, we asked for the phone number of the restaurant we wanted to try. Not only did the staff ring the restaurant for us but when told it was fully booked, they tried various others and eventually we got a booking at an interesting restaurant near Dochgarroch Lock. It had a collection of tables in a large room that also served as a Post Office and gift shop, with an extensive menu featuring local produce. The evening made a lovely end to our week's cruising through the Highlands.

Urquhart Castle on Loch Ness



Practicalities: LPG

Boom boom

Our intrepid correspondent **Stephen Peters** risks life and limb to get down to details so you don't have to.

More information:

BSS Guide to LPG installation
www.boatsafetyscheme.org/media/.../bss%20guide%20chap7.pdf

Calor safety guides
www.calor.co.uk/customer-services/lpg-safety/

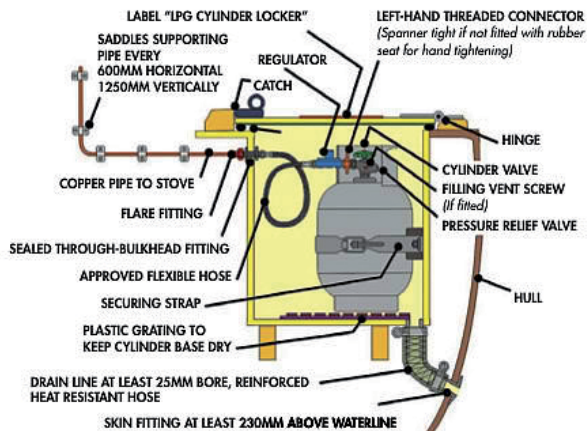
Typical gas locker installation—with the regulator on the bottle. If the regulator is remotely mounted it must be higher than the bottle outlet

The predominant fuel for cooking, water heating and refrigeration on the UK inland waterways is still LPG (Liquefied Petroleum Gas) although there is an increasing tendency for new craft to be all-electric to enable home comforts such as microwave ovens and washing machines to be operated via on-board inverters, generators, engine-driven alternators and shore supply. There is an inherent danger in using gas on a boat because of its high flammability and explosion risk coupled with its heavier-than-air density causing any leaks to settle in bilge areas. Sensible precautions and regular checking of gas installations for leaks will ensure that your boat remains safe; the Boat Safety Scheme website has a section on LPG that is well worth perusing. Pay particular attention to the requirement to use properly marked high pressure hoses and low pressure hoses (they are different) and note the need to

replace them by the marked expiry date.

In this country there are two forms of LPG in common use: butane, usually in blue cylinders, and propane in red. Calor Gas and other companies market both products in a variety of cylinder sizes (sold by weight) and it is best to choose a brand that can be easily obtained in the areas where you will cruise. CampingGaz is butane gas and obtainable only in smaller sized cylinders. Traditionally, butane was the preferred gas for boats but it has the drawback that it freezes in cold weather conditions. It has a boiling point of -2°C , compared with propane at -42°C . For this reason, propane is stored at a much higher pressure to keep it in its liquid state in the cylinder (7Bar or 100psi) whereas butane is stored at a mere 2Bar or 30psi. The higher storage pressure of propane is the reason why many suppliers do not recommend it for on-board use. Some boat owners prefer to use butane in the summer and change over to propane in the winter months to overcome the lack of gas pressure experienced when butane freezes.

LPG is stored as a liquid under pressure and when the shut-off valve is opened the gas vaporises and expands to many hundred times its volume. This, coupled with the higher calorific value of LPG, means that comparatively small cylinders are all that is required compared with the requirements for domestic natural gas. The high pressure in the cylinder is reduced to a very low pressure by means of the often



neglected regulator, which you will find in your gas locker between the cylinder(s) and the pipework serving your appliances. Butane is traditionally supplied at 28mBar (equivalent to 11inches or 28cm on a water gauge such as your BSS examiner will use). Propane regulators operate at 37mBar (equivalent to a 37cm water column—see the connection?). It is possible and safe to operate either gas using a butane regulator but the heat output from burning propane will not be so high.

Thanks to changes in industry standards LPG installations in boats and caravans now use a 30 mBar regulator, which is common to both types of gas, and when you replace your regulator (every 10 years is recommended) you can safely change to one of the new regulators, although the older types are still available. The one difference that applies only to sea-going craft is that the regulator should comply with EN 12864 Annex M, which means it is corrosion-resistant and incorporates an over-pressure relief valve for safety in the event that liquid gas enters the regulator. Inland waterway boats do not require this new type of more expensive regulator, but you may fit one if desired. But it is always the rule that your regulator must be mounted higher than the top of the upright cylinder to prevent catastrophic consequences caused by liquid gas expanding and rupturing your pipework.

You will find that different types of LPG cylinders have widely differing connections ranging from left-hand male threads on the small butane bottles, push-on connections on larger butane cylinders and left-hand female threads on all propane cylinders. As a result, if you want to change gas types or bottle sizes you will need adaptors, which are commercially available, to give complete

flexibility throughout the world.

All gas-consuming appliances such as cookers, water heaters, fridges, etc. must bear the CE mark to show they comply with an EC Directive and will have flame supervision devices to cut off the gas in the event of a blow-out. Other gas fittings such as regulators will not have a CE mark but must bear a label indicating the appropriate



standards.

All LPG installations must be carried out by a 'competent' person, which means a qualified gas fitter with LPG credentials, although it is not illegal for a DIY owner to carry out gas fitting work on a private boat. If you are confident and sensible you will be OK, but all work on commercial and hire boats must be done by an accredited GasSafe engineer.

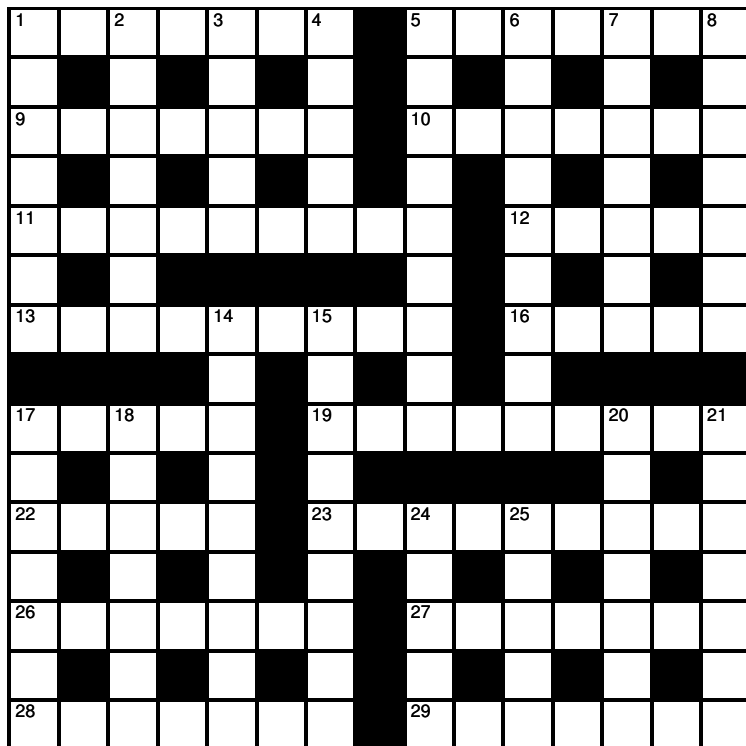
One final hint, if you want to know how much gas is left in your cylinder you can weigh it. The net weight of the container is marked in lbs and oz on a plate around the neck of the cylinder. So subtract that from the total and you will know the weight of liquid gas remaining. The other information on the valve plates shows when the cylinder is next due for testing (every 15 years).

New style propane regulator to meet EN 12864 Annex M

Crossword

NABO News Crossword N° 9

By Canaldrifter



Answers to Crossword 8

Across: 1 Sunbury, 5 Furlong, 9 Rural, 10 Rocker arm, 11 Nih, 12 Tests, 13 Forth, 14 Sling, 16 In due time, 19 Schooners, 20 Topic, 22 Locks, 24 Break, 26 IOU, 27 Earlswood, 29 X-rays, 30 Sailors, 31 Daystar.

Down: 1 Strings, 2 Northwich, 3 Unlit, 4 Yorkshire, 5 Focus, 6 Roe, 7 On air, 8 Gym shoe, 13 Fleet, 15 Gross, 17 Descended, 18 Implicant, 19 Sallers, 21 Cruiser, 23 Corgi, 24 Buoys, 25 Kexby, 28 SMO.

Across

- 1 Work boat on which doctor Edward meets Reg reversing (7)
- 5 Bird in a hard place on a small boat (7)
- 9 About a ring on the Kennet and Thames? (7)
- 10 Reliant crashes into the toilet? (7)
- 11 Plainly damage done in a very bad situation at a junction? (9)
- 12 Complains about tracks (5)
- 13 Incorrectly Ruth uses a book of synonyms (9)
- 16 Boat safety examination within for author (5)
- 17 Caper when a crawler is skipper! (5)
- 19 Pub on the GU frequented by anglers? (9)
- 22 Cartoon planet (5)
- 23 Revelation increases sail-hole sizes? (3,6)
- 26 First in it I always start (7)
- 27 A windlass in the past can turn (7)
- 28 Broken dyke is old (7)
- 29 Shines through bad results (7)

Down

- 1 Red newt found in river (7)
- 2 Check up axe belonging to me (7)
- 3 Die sadly with Grand Union pilot? (5)
- 4 Starboard is correct (5)
- 5 Lastly sir, about these gathering boaters (9)
- 6 Winter ale mixture on draft! (5-4)
- 7 O ring is badly fitted in early forms (7)
- 8 No sleek reversing in the boat (7)
- 14 Securing the boat but not alongside (9)
- 15 Feel ruled about filling up again (9)
- 17 Asked for fruit in identity crisis? (7)
- 18 Our Tim's cruising business? (7)
- 20 Tie ring poorly on a cooker! (7)
- 21 Additional mooring lines on Skipton branch canal (7)
- 24 Do very well when a hundred and fifty join river (5)
- 25 Calls for plumbing (5)

ReWind 15 Years

Snippets becomes ReWind

Now that NABO has passed its 21st anniversary, **Tony Haynes** will continue to edit and abridge quotations from NABO Newsletters as a regular feature, this time from January 1998.

Wendy Hook takes over as editor from Nikki Timbrell. Geoffrey Rogerson and Sue Birchett appear on Council for the first time, Sue as secretary.

Rivers: The 1997 AGM urged council to expand representation of river users and to consider establishment of a river-craft section within the Association.

Trust: Future management of the waterways must ensure that ALL users pay for the benefits they receive, so these benefits must be costed. It must eliminate the maintenance backlog. It must be financially viable.

The BW proposed Trust Deed, Aims and Objectives will have to be fully developed and consistent with the above parameters. NABO would not support an aggressive, commercially led development organisation. The Trust would have to be accountable to Government, to users, to its members and to the public. There must be an independent regulator. There must be a long term commitment, evidenced by a statutory set of maintenance standards.

We believe that a significant number of Trustees must be elected or selected by users and Trust members. We want more detail of the financial arrangements and business plans. Pricing Policy and Monopoly issues need to be resolved, so that the Trust cannot penalise one class of user as BW is doing at present.

One National Navigation Authority: If the proposed Trust is a success, other navigation authorities

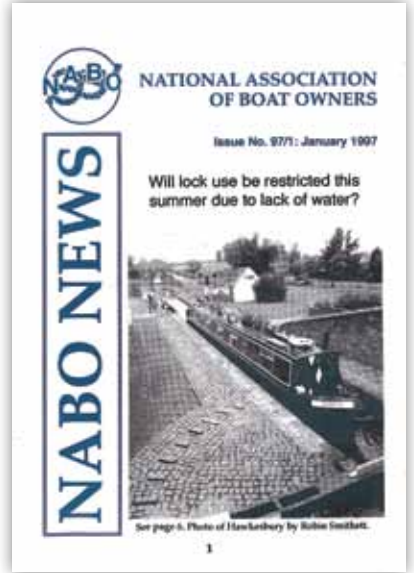
might see the benefit of transferring their responsibilities to the Trust, which should be constituted to allow such transfers.

Red Diesel: There is a proposal for an EEC directive to abolish the present deregulation in 1999.

BW Consultation: We enthusiastically welcome BW's constructive approach to consultation and support the development of options to carry the waterway system into the 21st Century. We will participate wholeheartedly in developing these options but expect that all the information we seek will be made fully available to users.

Letter: A member identifies that nearly £200,000 is missing from BW accounts that appears to have been paid out to senior BW managers. "Could I have identified the size and scope of the secret management 'payment-by-results-performance-bonus' rumoured to be a share-out of the unspent budget?"

River Cam: Racing rowing eights want long-term residential houseboats removed as they have to ship oars when passing them. NABO and the RBOA are in support of the boaters. IWA is in support of the rowers.



NBTA has its day

High Court ruling on continuous cruising on CRT waters

An examination of this important court case by **David Fletcher**

The written judgment handed down by Mrs Justice Cox is available to view online at:

www.bailii.org/ew/cases/EWHC/Admin/2012/3133.html

The judgment contains a summary of the legislation and some of the previous case law. There is little new on the BW Acts, but it is nevertheless worth reading.

Mrs Justice Cox has ruled on an application for Judicial Review on issues surrounding the CRT Guidelines for Boaters Without a Home Mooring. Nick Brown of the National Barge Travellers Association had applied for permission for the review of the 2004 and 2001 guidance. The High Court had already refused the permission and the recent judgement comes about as a result of an appeal against the first refusal. In both cases the judges found that there was no merit in the claims.

Nick Brown has stated in a press release that he will appeal. So what are the issues? There are four main points of claim made in the application, taking words from the judgement:

- 1 The 2011 Guidance mis-states the correct legal interpretation of section 17(3)(c)(ii) of the British Waterways Act 1995.** The judge concluded that the interpretation of the statutory provision in the guidance is correct. She significantly said that personal choice was not a justification for staying longer than 14 days. NABO worked in 2011 on the revision of the guidelines and is content that they reflect the wording of the Act. It is clear that there would be great difficulty if boaters had free choice whether to follow the 14-day rule.
- 2 S.43(3) of the 1962 Act does not permit CRT to impose terms and conditions which go beyond the requirements of s.17(3).** The Judge made no ruling on this because, in the circumstances of the

ruling on the guidance, it was not needed. NABO has used the argument that the undoubted powers of the 62 Act do not enable CRT to amend the powers of subsequent legislation unless they are reasonable and proportionate. This remains to our knowledge untested in Court.

- 3 CRT may at some point in the future be acting in breach of the Claimants rights under the Article 8 of the European Convention on Human Rights Act (HRA) because the Guidance has a dramatic and direct impact on his private life.** The Judge ruled that any alleged violation must always be considered on the actual facts of any particular case and not hypothetically. NABO has not campaigned on the issue of HRA, being content that it is CRT policy that liveaboards subject to S.8 enforcement will have the case heard in Court, and an opportunity for the evidence and circumstances to be challenged. In this particular case it is common sense not to rule on what might happen.
- 4 In publishing the 2011 Guidance the Defendant acted in breach of the Equality Act 2010.** The argument is that someone who lives on a boat has a philosophical belief within the meaning of the Act. The Judge did not agree. NABO has not campaigned on the Equality Act. We like boating but is it the equivalent of a religion?

The Judge confirmed the order for Nick Brown to pay CRT costs of £15,000.

Thames in review

Louis Jankel on the progress of EA's consultation with Thames users

Users on the River Thames have a long tradition of making their views known to the various bodies running the navigation; from the Conservators to now the Environment Agency, our right to be heard has been hard won.

The advent of the current government brought to an end the 'quangos' that DEFRA had instituted to offer policy advice to the EA, committees that had members to represent boating views, committees, though recently inactive, that legally expired last month.

Another development is a rapid cut in the costs in the EA, one result of which is a combination of the regions covering the South East, with the loss of significant numbers of senior management, bringing the River Thames, Medway and East Anglian waters under a single navigation management structure.

The EA have a policy of close consultative relationships with their customers, including the navigations. Because the Thames users have a history of just such a close relationship there was a case to formalise the consultation vehicles. What was the Waterways Working Group (WWG) has become the Thames Navigation Users' Forum (TNUF). I have served on Thames advisory committees as an individual since April 2005. This membership gives me a seat on the TNUF.

Thus, as the NABO Thames representative, I am able to promote the views and interests of NABO membership to the EA Thames management. In this I receive help and advice from Graham Paterson who covers the upper river. I am also

fortunate in the support I have from the various NABO council members and chairman David Fletcher. This initiative to formalise user consultation by Howard Davidson, EA South East Director is most welcome.

Two significant issues currently face River Thames users: Firstly, the threat to the tradition of resident lock keepers occupying the lock-side cottages. The precursors to the TNUF managed to limit the original move to a project covering four river locks, and we are producing a joint user/management report for the EA Board to consider in April 2013.

Secondly; The very real reservations held by almost all River Thames organisations and users over the inclusion of EA navigations within the CRT. The creation of the CRT is a welcome evolution but we need to wait to see that it is not just BW by another name. This will become apparent over the coming months and years.

Currently the EA is attempting to scope exactly what constitutes the 'River Thames'; locks, weirs, banks, responsibilities and liabilities. The last time anyone actually put a value on these assets, in 2007, it exceeded £1bn. That includes almost nothing that can be disposed of to augment income. It is not impossible for this figure to actually double and, be certain, this is just those assets on the River Thames—We have no idea what the asset value of the other waterways might add to the total.

The CRT Trustees will be conscious that by absorbing such enormous liabilities, there is a danger of the wellbeing of the BW inheritance being put in jeopardy.

If NABO members have any comments, views, complaints or even compliments, please email or telephone me, Louis Jankel, (contact details on page 4).

I am based at Brentford Marina but I can usually be found somewhere on the Thames between mid-March to mid-October.

The terms of reference for the Thames Navigation Users' Forum are now available on the NABO website.

The small print

General Terms and Conditions for boat licences

Don't shoot the messenger: **David Fletcher** reports back

In August 2012, CRT revised their Terms and Conditions for Boat Licences. The main changes to the wording involved a simple name transposition from BW to CRT. There were however other changes, introduced without consultation. NABO wrote to CRT in October and received a reply in November. This is a summary of the points:

1 NABO objects in principle to changes without consultation and regards all wording of the terms and conditions as significant and an important commitment by both the navigation authority and boat owners. Making changes for which users have no input reduces the value of the agreement. NABO suggests that the Terms and Conditions are normally reviewed on a say 4 year cycle, and that is fully consulted upon.

The response from CRT

You request that we limit future changes to terms and conditions to every four years. This would greatly restrict the extent to which we are able to improve the efficiency of our boat licensing and mooring control processes in the light of ever changing circumstances. I absolutely agree that significant changes should be put to public consultation, but to require this when changes are minor, for example to reduce ambiguity or reflect common understanding of points already covered in past consultations, then it surely cannot be good use of management time to go to the lengths of full public consultation. Fortunately, with our new governance and advisory

group arrangements, I believe that this problem will not arise in future. Any changes, however small, will be considered by NAG's Licence and Mooring sub group before being implemented. It will be for NAG to advise on whether they feel full public consultation to be necessary in the circumstances.

2 NABO notes the new wording of 'A daily extended stay charge may be payable if you stay beyond the time limit permitted'. The implication of these words in a 'licence terms contract' is that failure to pay will in the end result in the loss of a licence and action under licensing powers. We note that CRT has a very limited basis to refuse a licence under the 1995 Act and these do not include a failure to pay for such services. NABO objects to the introduction of this requirement as it exceeds CRT legislation and powers. As a point of principle, it is wrong to introduce payment for services issues into a document that is essentially to control licensing. CRT has other less expensive recourses to those who do not pay for services.

The response from CRT

A daily extended stay charge may be payable if you stay beyond the time limit permitted. I note the reasons for your objections. We do not accept NABO's position, just as you do not accept the Trust's. It will be a matter for the courts to decide, as and when a specific case makes this necessary. As you know, we employ highly experienced and reliable lawyers, supported by learned Counsel

to guide our policy and it is they to whom I must turn for guidance rather than NABO.

3 NABO notes that there is an unresolved issue over what is a reasonable charge for services and what is a penalty and would therefore exceed CRT powers. We urge that CRT take action to resolve this in the Courts.

The response from CRT

We believe that the levying of reasonable daily mooring charges to be an extremely proportionate and sensible course of action to address overstaying and are confident that we have the legal powers to do this.

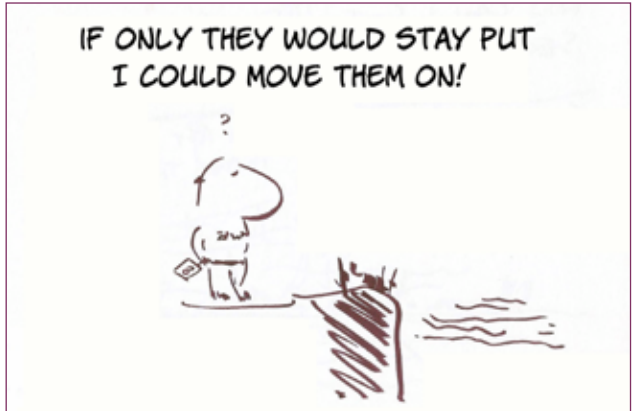
4 In the ‘Guidance for boaters without a home mooring’, in the paragraph for ‘Place’, the wording is changed. The wording is now revised with underlined words added and struck through words deleted:

Therefore to remain in the same neighbourhood for more than 14 days is not permitted. The necessary movement from one neighbourhood to another can be done in one step or by short gradual steps.

What the law requires is that, if 14 days ago the boat was in neighbourhood A, by day 15 it must be in neighbourhood B or further afield. Thereafter, the next movement must normally be at least to neighbourhood C, and not back to neighbourhood A (with obvious exceptions such as reaching the end of a terminal waterway or reversing the direction of travel in the course of a genuine cruise).

NABO made no objection to the revised wording. (It is clear that there should be no implied limit as to how far a boater may move.)

5 As you are aware, NABO disputes CRT powers to charge a fee



for moving an obstructing boat under section BW Act 1983 s.8(5). You have already told us that you rely upon the 1962 Act for this, but you have never demonstrated that this is a proportional and reasonable requirement. NABO does not believe it is proportional and reasonable, and therefore cannot agree with this.

The response from CRT

Fee for moving an obstructing boat under section BW Act 1983 s.8(5). We disagree with you on this point too, and invite you to explain why you feel this is disproportionate. I cannot however see that this is of huge critical practical importance since we have not exercised our powers under this clause at least since 2009, and it would not be our preferred method for dealing with the great majority of problems.

The reason for including it in the T&Cs is to make the provision in the unlikely case where we felt that deploying s.8(5) was the best reasonable option in the circumstances.

The revised terms and conditions can be read on the CRT website. It is important that all boaters read them. It is apparent that these issues are not resolved, and that further correspondence or meetings will be required in the future.

Canalman

Attributed to an enforcement officer, who said: "We prefer it if they don't move then it is easier to find them"

Have Your Say

Letters to the Editor

Opinions expressed here are independent of NABO policy and statements made have not been verified as true.

Canal research

I am a PhD researcher with Brunel University in Uxbridge, living on a narrowboat and completing fieldwork this year. The project is a social anthropology study, during which I shall be looking at all aspects of living on the waterways, and writing about my own experiences and the lives of other liveaboards that I meet; particularly those who regularly travel throughout the system and do not have a fixed mooring. The project is funded by Brunel University and is not linked to any government group, pressure group, or any other outside interest; the purpose is simply to take an academic look at life on the waterways and its unique features. Like all funded PhDs in the social sciences, I am bound by a number of professional codes regarding neutrality of approach and the ethical and sensitive use of data.

As NABO is deeply involved in the everyday life of the waterways, it would be fascinating and extremely useful to talk to members of your organisation. Thank you to NABO and specifically Simon Robbins for your support so far. Of course, you may want to know more about my PhD work before you divulge information. I will be happy to answer questions and to receive constructive critiques of my project. If we could agree to an interview (online, in person, or on the 'phone) then I would be extremely grateful and so again I encourage you to get in touch if you have any concerns or queries. Also, wave hello if you see me around London aboard nb 'Me'. To get in touch email benjaminolbowles@gmail.com. In addition, I am also happy to be contacted through Twitter account at [@benonaboat](https://twitter.com/benonaboat). I look forward to hearing from you.

Ben Bowles

CRT Precision

I see BW efficiency has now moved to the CRT. I have just received a Gold Licence renewal two months in advance for my 58-foot narrowboat. It

is over £1000, slightly more than last time, which brings my standing boating costs to over £4000 a year—that is before starting the engine or cracking open a tin of paint! It would be interesting to know what it will be when CRT takes over the rivers. Will we go down to the standard canal price or will this licence come up to the same as Gold? I am not sure that my surveyor's tape is this accurate but the length and beam which we are asked to check are quoted to 16 decimal places—less than the width of an atom's nucleus. However, overstaying on a mooring; forget it!

Richard Waddy, Long Buckby.

Gongoozled

Gongoozler: (*early 20thC*) denoting a person who idly watched activity on a canal

It had to happen one day: I slipped on a frozen gangplank and fell half-way through the ice at my mooring on the River Derwent in Yorkshire. It took 20 minutes to drag myself out, up the steep slippery bank through snow and stinging nettles. As I lay on the path, soaking, exhausted and shivering in the dark at -16°, I was glad to still be alive. This was the third time in three years that I had come close to drowning. It happened twice before on the same day in 2007: stepping onto the boat in County Lock, Reading, I missed the counter and found myself up to my neck in water,



Frozen lock cut on the Yorks. Derwent, where I fell through the ice.

hanging on to the rudder-stock above a (thankfully) stationary propeller. My brother was at the other end of the lock obliviously opening sluices. Luckily my shouts for help were heard by a nearby gongoozler and it took both of them all their strength to haul me out. Later, after I had showered and changed, I missed the towing path by a few inches stepping off the boat and fell through the gap between the boat and the sheet-piling. I slid under the boat face down. Luckily a gongoozling dog-walker saw me go in, grabbed me and hauled me out.

I was lucky with that fall through the ice two winters ago. I was completely alone on a lock island that had no public access. There was nobody to hear any cries of help and the dog was no good—to her it was just an hilarious game. When I had thawed out, I did some serious thinking. I had been involved in boating of one sort or another for 60 years. I had had a good run. Perhaps it was time to bite the bullet, take the hint and give up boating while I was still ahead. Over the years I had lost a couple of good friends who were found floating in the cut near their boats. I didn't want to join them.

Like many who live aboard, I hadn't made any provision for old age or for the time when my health might fail. I had nowhere to live ashore. The council did not accept a moveable boat as a home and I was thus 'homeless'. After continuously cruising for some years, I had been living aboard in Yorkshire on non-BW waters for more than six months. They thus had an obligation to house me, I was told. It wasn't that easy: although they accepted that I was homeless I could not go on a housing list because I had no address. In Yorkshire you have to have an address in order to get an address! How do I get an address? They would put me in a hostel for six months, then I could reapply. But I'm 70 years old and I have a dog," I protested. "Oh no. You can't take a dog into the hostel!" The Joseph Rowntree Housing Trust took me in—good old Quakers! (although the JRHT is no longer Quaker owned, it is still run on humane Quaker principles). I was given a sheltered single flat and I could keep the dog. I was very grateful. A few months later and the boat was sold to a younger couple who needed a live-aboard and loved the old girl despite her unkempt appearance. They weren't even put off by their first cruise as owners, as we transferred the



I name this boat ...

If you have spotted a boat name that made you smile, please let me have a photo to use in future issues. Thanks to Helen Huff for this slightly risqué contribution (look at the bottom of the page if you can't work it out)

boat to Lincoln: the River Aire rose 13 feet while we were moored on a floating pontoon at Beal lock, leaving us marooned in a huge fast-flowing lake for the weekend.

I bought myself a Hymer motorhome that enables me to visit waterside places that I didn't quite reach by boat and I can now gongoozle to my heart's content. But adjusting to gongoozler status is not easy: sitting in the sunshine by a lock on the Oxford Canal, watching new hire crews trying to make it work, it was very tempting to offer them advice. But I remember how I felt when gongoozlers wanted to offer me unwelcome advice or help as I passed through locks. Difficult one that: especially when all paddles were up at both ends. I decided that I would hold my peace unless the situation became dangerous. In the event, that young lady learned very quickly from her mistakes, probably the best way, and put things right before I needed to point out that several miles of canal were being drained down. I feel more comfortable in the Hymer, now dubbed the Gongoozlemobile, than on my old boat and I guess that means I am now pretty much gongoozled. It could happen to any of us.

Tony Haynes

PS: I still own a share in the ex-BW Bantam Tug 'Kingfisher', moored, and still working on the Yorkshire Derwent—so I am allowed to remain a NABO member!

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