



NABO News

The Magazine of the National Association of Boat Owners
Issue 6 December 2015



AGM REPORT
CRT NEW TERMS AND CONDITIONS
WOWS AND WOES: CRUISING IN LONDON



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NABO News

The magazine of the National Association of Boat Owners

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Contents

- 4 Editorial
- 5 Chairman's column and NABO AGM report
- 8 Fly on the Wall and Fly's AGM
- 10 What should CRT's priorities be for 2016?
- 12 New licence terms and conditions
- 16 **News:** Members' boat insurance, Waterways Ombudsman's annual report
- 17 Boating incidents and accidents
- 18 **CRT roundup:** Sale of long-term CRT moorings. No licence fee increase. No 'Friends' for CRT Council elections. Action on speeding cyclists? New water strategy, Festival of Water
- 19 **News:** EA mooring clampdown, Yet more HS2 amendments, TV's Downsizing, L&L bicentennial
- Talking Points:**
- 20 Lock safety: paddle gear
- 21 Lock safety: EA lock ladders and fire extinguishers
- Boating:**
- 22 London calling
- 24 Roving traders
- 25 CRT Byelaws
- 27 Rewind 15 years
- 28 Crossword, I Name this Boat
- 29 Letters



Cover photo

This month's cover photo is by Chris Hill, A winter's walk on the Macclesfield canal near Adlington.

Win a year's free membership by having your photo selected for the front cover of NABO News. Please email photos as JPEG attachments, ideally portrait format with a file size of 2MB or larger.

Next NABO News copy date

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

Please email or post your contributions to nabonews@nabo.org.uk by **30th January 2016**

NABO News is published by the **National Association of Boat Owners**

PO Box 104, Leyland PR25 9AN Editor: Peter Fellows Production: Chris Pink

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CRT Emergency No: 0800 4799947

EA Emergency No: 0800 807060



Legless but vigilant

Editor **Peter Fellows** ranges his beady eye on that oft neglected custodian of our waterways, the Environment Agency

I've been laid up learning how to walk again since September, so I have no personal experiences of what's been happening recently on the waterways. However, lots of correspondence from NABO members and Council members suggests that the EA should become more of a focus for our association's attention. The recent court case seems (without the benefit of the judgement transcript) to be extraordinary. How can marina-based Thames boat owners avoid paying a boat registration fee by saying that they don't use the river? They are still floating

on Thames water. The reduction in numbers of lock-keepers will only add to the problem of checking who's using the river and who's not. Then there is the somewhat surprising decision that, after decades of having fire extinguishers and portable lock ladders available at Thames locks to assist boaters in trouble, they are now deemed by some health and safety 'experts' to be unusable. Louis Jankel has something to say about this in his article. Mike Rodd's report to the AGM in November is reprinted in this issue and there was an interesting discussion by members of the areas that they think CRT should focus on in the forthcoming year, summarised by Mark Tizard. Geoffrey Rogerson gave members an update on NABO's discussions with CRT over the new licence terms and conditions, and his summary and the correspondence with CRT's Ian Rogers are included in this issue. Elsewhere, Helen Hutt reports her recent experiences of boating in London, with some tips and warnings for those wishing to visit these waters. David Fletcher gives an update on the issue of paddle pawl stops and possible changes to address the issue of worn paddle spindles, and Stephen Peters concludes his series of articles on the legislation that governs CRT activities. There is also news of plans to launch a new insurance scheme for NABO members and finally a varied bunch of letters from members. I hope you have an enjoyable Christmas, with perhaps some seasonal icebreaking, and best wishes on behalf of NABO Council for 2016.

Fire extinguishers at Iffley Lock

Photo: Laurence Hughes



Chairman's report to AGM

Mike Rodd looks back on a busy year for NABO



My second year of office has proved once again to be a busy one—significant changes happening in both CRT and EA and the impact of the frenetic world of social media, with its capacity to raise new issues whenever someone feels moved to do so.

Matters arise that so often require an immediate response—often to try to correct bizarrely erroneous claims or accusations! While our Facebook site has proved to be a real hit, it requires daily attention from hard-working Vice Chairman, Mark Tizard, his sharp eye ensuring that it is being used sensibly and not as a platform to exploit personal gripes or express extreme views.

This changing world of instantaneous information impacts NABO in so many ways and we simply have to adapt to it. In some ways, it actually challenges NABO's very existence, as few of the younger generation see any reason to join an organisation when you can seemingly get most things for free from the web.

NABO's work this year

The main issues the Council has had to address this year have been well-covered in NABO News. In this issue, we have summarised our position towards CRT's new terms and conditions for licensing private boats. These affect all of us, so when we found that its new requirements were being tabled, essentially as a fait accompli, we were horrified—as were our solicitors a few days later! In all fairness, CRT did then hold back for a month or so and made a few changes, but we are still not hap-

py. The new T&Cs introduce some major changes: for example, for those of us who have home moorings, the new—we believe not legally justified—requirement to become 'continuous cruisers' when we leave our home mooring has the potential to be very restrictive. If you are in a shared ownership agreement, read the T&Cs very carefully: if one of your partners causes damage to another boat or to CRT's infrastructure, you could also end up paying! Finally, we really do believe that they should be written in plain English—not in the present legal jargon.

The saga relating to continuous cruising requirements continues to drag on—we have always said that it is up to CRT to make these rules, we supported the original 'minimum end-to-end distance travelled' proposals by CRT staff, especially as the numbers that they gave us were extremely worrying, indicating the apparent size of the problem facing them. We had no grounds to contest their claims of over 3500 offending boats, but we did keep saying that they really had to focus on what we believed are relatively few folk who are abusing the requirements. More recent numbers provided by CRT show that the problem is much smaller than the original claims and, by concentrating on the comparatively few worst offenders, the solution appears to be much more manageable. The situation in London is very serious and we are keen to work with CRT to find a lasting solution—simply too many boats and not enough places to moor. The recent spate of TV programmes



Photo: Mick Fitzgibbon

painting an over-rosy picture of the wonders of living cheaply on a boat has not helped!

Just how many times do we have to say that NABO does not support those who are blatantly abusing the system? What we DO support, though, is fairness, openness and working within the legal framework of the various Waterways Acts. That is why we have always backed the concept of winter moorings, but not when changes—without consultation—are introduced that are not legally permitted under the Acts—indeed maybe in conflict with local council requirements.

The scary proposal from the EA to take away fire extinguishers and portable ladders from their Thames lock keepers is a time consuming and high profile issue. Crazy at a time when there has been a serious increase in fires on boats and our Thames representatives, Louis Jankel, Graham Paterson and Dennis Hill, have had to go into action!

Our relationship with CRT

This has been a massive year of change within CRT—in truth, something we always wanted to happen, we firmly believed that BW could never change its culture without serious changes in senior management. This has taken longer than we hoped but Richard Parry has certainly brought about what we hope will be effective changes throughout his organisation. Focus on boaters as prime and valued customers is essential, and we look forward to the new management making this happen. As we constantly say, we are all in this together—we have all invested much time and money into the waterways, it is in our interest to ensure they are operated as effectively as possible so that we can go boating. We, NABO, exist in order to represent our members—boat-

ers—so this is simple enlightened self-interest!

Boat Safety Scheme

We are fortunately very well supported in our BSS work by our members' expertise and the prime focus this year has been helping with changes in the BSS requirements for hire boats resulting in some very sensible modifications, currently out for consultation.

Important too is the role our BSS representatives play in commenting on appeals made by boaters if their boat fails an inspection. Our input as experienced boaters and professional engineers is obviously well-regarded and goes a long way to ensure that decisions are always fair and evidence-based.

Communicating with members

This has been a great year for NABO News, with each edition packed with what is obviously well-received information—clearly CRT and EA personnel read it from cover to cover! I had not fully appreciated the amount of work that goes into producing it until I had to help out when the Editor needed to have some mechanical engineering undertaken on his supporting infrastructure (!). The efforts of the Editor, Peter Fellows, are well-understood and much appreciated, but I was struck by the extensive, quick and very professional work by Chris Pink on the layout, as well as the very detailed efforts by the teams of proof-readers.

The use of Facebook and Twitter continues to increase at an amazing rate and the work done by Mark Tizard and John Slee in monitoring and ensuring a constant flow of material is absolutely key to our success. I would like to add that the coverage we get through the Narrowboatworld website is crucial and we very much value the work

of Tom Crossley and his team, especially Allan Richards who, as an active NABO member, is often a most welcome guest at Council meetings.

Council and administration

Helen Hutt's work as volunteer bookkeeper has continued to be absolutely first class, the changes she is now introducing in response to the comments by our new Auditor, James Steckerl, will serve both to simplify matters and improve the audit trails. The reports she prepares for Council are most informative and ensure we are all well aware of our financial situation. I am delighted that Helen was willing to stand for election as Honorary Treasurer. We also welcome Stella Ridgway to the Council—already a NABO Regional Representative—she has agreed to take on the task of coordinating our regional activities.

I would also like to formally thank Stephen Peters for his work over many years as our Honorary Treasurer; though standing down from this role after the AGM he will continue as a Council member.

My predecessor, David Fletcher, has continued to put immense effort into our ever-improving website, also working with Helen Hutt and another past chairman, Sue Burchett, sorting out the membership database and processing of membership matters. This now being simplified and done by volunteers has gone a long way to help keep our association financially viable. I must also thank Richard Carpenter for his ongoing work as our General Secretary making sure we meet all our legal requirements and quietly pandering to my desire to move Council meetings around different boat clubs!

Looking ahead

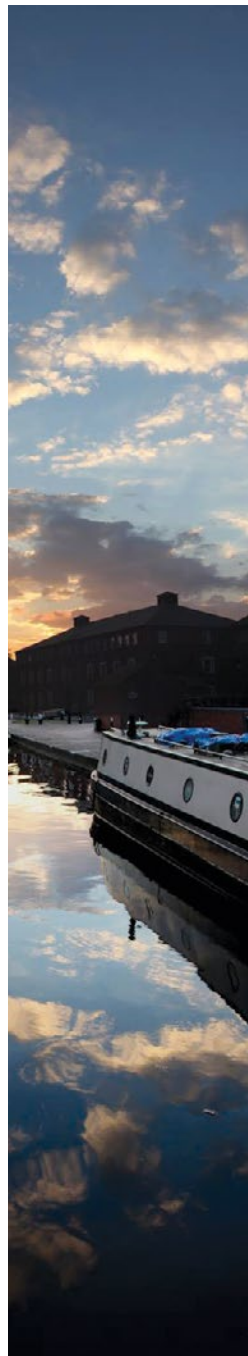
It is very pleasing to see we have al-

most a full Council for the coming year, several new members being elected at the AGM. Continually limited in what we can do by a lack of willing hands, all the present Council members have to run very fast to keep up with the demands on our time. But we do believe that it is worth spending that time and we just need additional folk if we are to do more. A Minutes Secretary is desperately needed, though!

The big worry for all of us has to be the ever-ageing boating community—we are all aware of this, and of course this is reflected in NABO's membership. With the various high-profile issues we have had this year, more boaters have become aware of what we do and this has ensured a good incoming membership.

However, this growth is being balanced by those who have to give up boating, either because of their age or health, or for financial reasons. How we attract more—and especially younger—members is a real challenge. Maybe we need to consider some form of lower-cost internet-only membership, or even totally free membership supported by appeals for funding individual projects? Either way, we will still have to fund the various ongoing commitments—NABO News, for example, is greatly valued by most members and it certainly lands on many important desks. While we have to be rational and accept that many boaters do not see any need for an organisation like NABO—until, of course, something affects their own personal boating activities—we do need to find ways of getting the message out that it's not just 'use it or lose it', it's 'lose it and you won't be able to use it'.

As I said last year: as a totally volunteer-run organisation, we can only be as good as our members make it possible for us to be!



Fly on the wall

Observes proceedings at the October Council meeting and the November AGM

NABO calendar 2016

Council Meetings in 2016:
23rd January, 12th March,
23rd April, 11th June,
23rd July (if required),
3rd September, 15th October,
12th November (includes
AGM).

Council meetings are held at boat clubs in the Midlands area—see the website for details.

Remember that members are welcome to attend meetings—please just let the Secretary or Chairman know in advance (contact details inside front cover)

Back to the warm welcome of the Wolverhampton Boat Club in October with almost a full turnout of the troops, together with some members and representatives of the Roving Canal Traders and the Commercial Boat Operators Associations attending. The illustrious NABO News editor had a ‘lame’ excuse for his absence; that a mechanical engineer had fitted his new hip so he was unable to drive!

As always there was a lot to chew over. The first policy discussion was yet again the dratted terms and conditions: the Chairman had received a response to aspects that NABO’s legal beavers said were unfair or simply illegal (elsewhere in this issue). CRT bosses said they didn’t agree with NABO’s solicitors, so tough! The Chairman’s doctorates didn’t help in translating legal-speak into plain English, so how are boaters to understand what they are signing up to? Beware if you have shares in a shared ownership boat—two of you sign the licence application but you all could be responsible if something goes wrong! NABO has reached the point where it has to remain at odds with CRT.

Fun and games down on the Thames

In their wisdom or, more likely, to reduce costs, the EA has decided that if there is a fire on a boat in a lock, the lock keeper (yes, they still have such people) will not to do anything except phone the emergency services—their fire extinguishers are now too complicated to use and portable lock ladders are now too

heavy—so they are to be taken away; strange that they have been OK for decades. The lock-keepers are apparently outraged, but as their jobs are threatened by funding cuts, they are not willing to speak out publicly. NABO once again took the lead and went straight to the top of the EA, but sadly its letter was bounced down to one of those who had decided the new policy, with the predictable result: “Go away and play on your boats; our experts know best!” But all this has got the press, radio and TV involved so things are happening, and Dennis Hill, one of the Thames reps, has quickly become famous!

As the AGM approaches, the Council members decided to take a different approach. Instead of having a guest speaker, they will encourage members to help CRT with its priorities. For the first time in many years, it looks like the new Council will be almost up to full strength, so NABO’s future continues to be bright!

Death by Powerpoint

Not so encouraging is the small number of candidates getting their required ten sponsors for the CRT Council elections. None of those around the table felt moved to stand themselves, which sort of gives the game away! What is the point of sitting on a council which has almost zero power and spends its time watching lovely Powerpoint presentations on the wonderful things CRT is doing (well, that is what many of the present Council members say). But, more worryingly, several folk at



the meeting had never received any communications from CRT about the elections. Something wrong with CRT's email system? Or maybe it is more simple—many boaters do not use email or have any internet access.

Fly's AGM

Chairman Mike gave a rundown of the last year, including relationships with new CRT directors, the grief that some on social media can cause, and what to do about NABO's ageing membership (to a ripple of grey nods from the floor)

Members then heard Stephen Peter's last report as Hon. Treasurer, a post he has held for longer than anyone can remember (including Stephen!). Council members were all re-elected with two new members bringing the total to eleven. Mike appealed for a Minutes Secretary to fill the last place.

Once the formal business was done with, Mark Tizard introduced an open discussion of the things that are bothering boaters, which CRT could do something about, with many contributions from members filling the time until lunch (a lovely beef or veggie stew provided by the Wolverhampton Boat Club). Here's a flavour of some of the discussions:

- Earlier this year, CRT said there were 3,500 boats that moved less than 5 km per year—now it seems there are 450—500, so either the figures were wrong or continuous moorers have started moving;
- This hasn't helped the congestion in London,

where boats are simply shuffling between moorings a few miles apart, but members who visited London said they had no problem finding visitor moorings;

- The issues in London (and elsewhere) are due to the high cost of housing and renting, and some members felt that it was also due to the lack of residential moorings with planning permission and facilities (as opposed to live-boards on long-term permit holder moorings who have neither). Someone thought continuous moorers should be offered the chance to rent their mooring space, whereas others felt that linear boat parks are a nuisance to cruising and can be an eyesore;
 - Mooring issues opened up a discussion about generational differences in the way people use the waterways—younger people want to live afloat because it is affordable and, for many, a lifestyle choice. And many want to moor near to their workplace or kids' school. However, others pointed out that they've signed a contract and agreed to cruise bona fide if they don't pay for a mooring. Older people want to cruise the waterways without miles of linear boat parks, over-stayers on visitor moorings, or multiple rules and regulations. Does CRT understand these differences? Is there a potential for conflict (well, conflict of interest anyway)?
 - Infrastructure issues are not being adequately dealt with: gates are leaking, paddles are broken or difficult to raise, dredging and chopping back vegetation are required for boats to moor against the towpath.
- After lunch, the new Council met and divvied up the jobs: Helen Hutt will take over as Hon. Treasurer and Stella Ridgway will have a new role co-ordinating regional reps. Joan Jamieson, the East Midlands rep, asked for more information (such as a list of members in her area) and a job description would be a good idea—both were agreed.

There was a discussion of shared-boat owners being disenfranchised in CRT Council elections as there is only one vote per boat, and boaters without email are automatically disenfranchised as there are no postal votes. Altogether, an enjoyable and informative day for members and even Fly learned a thing or two as well!

Byee until the New Year.

CRT's priorities for 2016?

Mark Tizard summarises the members' discussions at the AGM starting with an aide memoire on the topics for discussion

Continue the discussion

The AGM provides us with only a small snapshot of NABO member's concerns and opinions.

Keeping us informed is vital if we want to formulate policy to engage with CRT throughout the year.

So contact us, the Council, write to NABO News or any of your local representatives with your views, observations, boating experience and opinions as to where CRT should be going in 2016.

Enforcement

1 Licensing: the number of unlicensed boats continues to be less than 5% (less than 4% becomes uneconomic to pursue).

2 Cruising Guidelines

a In the 6 months, May—October 2015, 477 short term licences were issued (93 x 3 month and 384 x 6 month). 3,500 boats were originally stated in February as not cruising 20 km in the previous 12 months. So it would be appear that the problem is far smaller (14% as opposed to 65% of continuous cruisers originally stated) or boats are moving further; both are probably true.

b The policy seems to be working: in a recent month, of the boats whose three-month licences expired, roughly a third were offered six-month licences as they were moving further, a third took a mooring and a third were sold. None entered the S8 further enforcement process.

c NABO's policy is that CRT should determine what is acceptable as 'bona fide navigation' but it should take speedy action against boaters who are deemed not to move.

d Congestion: enforcement means more boats are moving but congestion remains in London and the Western K&A. Should CRT do more and if so what?

c Do they need dredging?

d If short-term should there be a dredged stretch of towpath so that boats can moor and stay longer?

e Revert to 14 days in winter in the majority of areas (NABO pushed for this) but this was not well communicated to boaters.

f NABO policy is that any changes to visitor moorings should be evidence-based. 'No return' rules are not enforceable. CRT is entitled to charge for services but not to fine boaters. It is arguable that £25 is a charge not a fine.

2 Winter Moorings

a 318 sold across 90 sites as at 4 November with revenue broadly in line with 2014, largely due to the higher than expected take-up of the more expensive moorings. Next year probably more availability created in popular areas.

b Boaters can stay at dedicated winter mooring sites, if vacant, for a period of 14 days but must give way to permit holders, again badly communicated.

Terms and conditions

1 There should be a plain English version.

2 There are still areas that are outside CRT's powers (i.e. to make boaters with a home mooring 'continuously cruise').

3 NABO's advice is that boaters should annotate their T&Cs to the effect that the current Acts of Parliament shall take precedent over T&C's

4 Copy of the detailed representation made to CRT was made

Moorings

1 Visitor Moorings

a Do we need more?

b Should these be only short-term with £25 extended stay charges?

available separately.

Maintenance and infrastructure

- 1 **Facilities:** what's needed and where?
- 2 **Dredging:** more, where? Let Vicky Taylor at CRT know.
- 3 **Locks:** is leakage increasing?
- 4 Are paddles and gates getting easier or harder to operate?

Towpath safety

- 1 Should CRT be doing more to safeguard towpath users from irresponsible cycling; if so what?
- 2 Is vegetation cut back sufficiently to enable safe mooring?

Engagement

- 1 Is CRT keeping boaters informed about things that matter to them?
- 2 Are you able to renew licences and mooring permits easily?
- 3 Do we need more boating surveys? A new one is planned in the near future.
- 4 Are partnerships useful? Do you think they add to your use of the canal network?

Volunteering

- 1 There are now over 700 volunteer

Outcomes of the discussions

Unfortunately time was limited and we were constrained from exploring all the subjects fully. The consensus was that members were very supportive of NABO continuing to hold CRT to account on areas of strategic policy such as enforcement, moorings, BSS and the legality of the terms and conditions.

However from the perspective of day-to-day boater experience, the real concern was that CRT's focus should be to concentrate on the fundamental requirements of boating (i.e. to ensure that the basic canal infrastructure is maintained). It was felt that, despite PR to the contrary, this was failing. It was noted that CRT's Head of Engineering is not a director-level role, which is unusual for any organisation where engineer-



lock-keepers. Are you clear as to what their responsibilities are?

- 2 What do you think volunteers should be doing?

A little, too late; vegetation control at High Bush Bridge—see letters page
Photo: John Slee

ing is such an important component. Instead of concentrating on the failing canal infrastructure, it was felt that CRT's recent focus had been on attracting volunteers and non-boating canal users. It is all very well having volunteers painting lock gates and railings, or cutting the grass, but gates are still leaking, paddles remain broken or difficult to operate, gates are badly balanced etc. Dredging and vegetation management is required to enable boats to moor against the towpath, even on some visitor moorings. Because this requirement is a given, we perhaps have not focussed on it recently as much as we might have. Your Council will take this on board and ensure that CRT is made aware of this at our meetings. Let us know if you have other thoughts on these subjects.

“It means what I choose it to mean”

New CRT pleasure boat licence terms and conditions

Geoffrey Rogerson explains what's going on.



This year, CRT introduced new licence terms and conditions, without full consultation saying it considered them to contain only minor alterations. David Fletcher examined them in detail and decided that far from being minor, some of these changes were far-reaching. He duly sent a very detailed four-page letter to CRT drawing attention to the aggressive nature of some of the wording and the illegality of some new requirements. Though never acknowledged, CRT did remove some of the offending paragraphs: for instance, the power to inspect a boat at their pleasure and also, having entered into a contract with a boater for a year's licence, to be able to change the terms of that contract with a month's notice.

This has still left certain items outstanding as far as NABO is concerned, in particular CRT's use of the 1962 Act to alter the requirements of the 1995 Act for boats with a permanent mooring.

CRT has claimed that boats with a permanent mooring are required to 'cruise'. As you will see from the above, this is not a requirement within the '95 Act. One has to ask what is meant by 'cruising'. How does one 'not cruise'? What is the penalty for 'not cruising'? In the new licence terms and conditions, CRT defines the word 'cruising' as equaling bona fide navigation. NABO Counsel's opinion is quite clear that boats with a permanent mooring are not required to bona fide navigate.

Below is the correspondence between NABO and CRT and we would welcome comments from our

members.

NABO to CRT
29th September 2015

Dear Ian

I refer to our previous submission regarding the recently introduced changes to the changes to the terms and conditions for private boat licences. As you are aware these were introduced with some minor changes as a result of a very brief consultation period on the basis that the Trust thought the changes were just minor amendments.

As an underlying principle, whilst existing legislation gives CRT some standing, it does not follow that the likes of Section 43 of the '62 Act can act as a catch-all to simply allow the CRT to proceed as it sees fit. The legislation is there to be followed, not adapted by CRT. We felt that the changes warranted further investigation and have consulted further with our legal advisors who have commented that some of the changes introduced are of questionable legality.

We itemise below certain of the paragraphs in the new terms and conditions that are in question:

1 The introduction of the words 'where we are satisfied' in 1.5 is expanding the definition of home mooring. Under the BW Act 1995 boaters can change home moorings, or not have a home mooring, as long as they inform CRT and provide necessary assurances on navigation. This change is unjustified.

2 Clause 1.10 on Joint and Several Liabilities: We do not see how a contractual requirement can be im-

posed on a non-signatory in the way sought.

In law, if a contracting party is sued but ultimately is not to blame, the sued defendant would pursue the guilty party under a procedure known as Part 20. This would be quite bizarre and shows over-zealous drafting by CRT.

3 Clause 3.1: "You must cruise etc." Boats with a home mooring are not required to bona fide navigate, accordingly the words 'You must cruise' should be removed from 3.1. CRT claims that 'cruise' means using a boat for bona fide navigation in accordance with Section 17 3 (c) ii. But Sections i and ii are mutually exclusive, i.e. either/or; CRT's powers to regulate this area are derived from the 1995 Act and they cannot rely on their general powers to set the terms of licences derived from the Transport Act 1962 as a basis for terms that go beyond those specified in the '95 Act.

CRT lacks the power to define words in Section 17 of the '95 Act, which sets out conditions for licences and CRT cannot circumvent the Act in this way. In any event the courts will not construe statutory words with reference to CRTs license T & C's.

4 Clauses 6.4 and 6.5: Section (3) of the 1962 Act provides a power to demand charges for services, but this is not the same thing as the power to fine, which is apparently being sought when looking at the daily charges being suggested. This also affects clause 8.3. Simply, CRT has no general power to impose fines, which is the role of the court.



5 Clause 8.6: The powers of cost recovery are already within the BW 1995 Act and do not need such embellishment.

6 Clause 8.7 as proposed makes it clear that even though a licence may be terminated, CRT can still carry out actions such as removing a boat from the water. This raises the question as to whether such clauses are unfair and hence not applicable in any event. They may be challenged under the Unfair Contract Terms Act.

Our lawyers have recommended that, in view of the complicated language used and questionable legality of some of the T & Cs, boaters would be justified in adding the following caveat "agreement to them does not absolve either party from complying with any relevant law or Act of Parliament governing the canals and rivers administered by the Trust".

The key message from NABO's perspective is that we believe CRT missed an opportunity here by not engaging with the boating associations (such as NABO) and taking the time to work through the proposed changes so that there was no legal ambiguity and a 'customer-first' approach to the language used. From

Our legal advisors have recommended that boaters may wish to add the following caveat to their licence application: "Agreement to the licence terms and conditions does not absolve either party from complying with any relevant law or Act of Parliament governing the canals and rivers administered by the Trust".



a customer services perspective this appears an aggressively worded document.

We hope that CRT gives consideration to making further amendments in line with our comments above. We are most willing to discuss this further with you and your colleagues.

With best regards, Mike
Dr M G Rodd FIET CEng, Chairman, NABO

CRT's reply

16th October 2015:

Dear Mike,

Thank you for your email of 29 September regarding the changes made to our boat licence terms and conditions earlier this year. As you have raised a number of legal points, I have consulted our Legal Department and they have assisted me in drafting this response.

You may recall that we originally published our proposed amended terms and conditions on 30 January. A number of representatives of boating organisations (including yourself) were specifically notified of this publication and feedback was invited. I believe that you initially responded on 9 February with some comments on the proposed terms and conditions, to which we responded to in full. You followed this up with a more detailed response on 2 April.

We then published final revised terms and conditions on 23 April, having taken into account the feedback from boaters and boating organisation (including your response), together with an explanation of the changes made since the draft published on 30 January.

Therefore, although I still believe that the changes to the terms and conditions were not extensive enough to warrant a lengthy and extended consultation, you were given an opportunity to give feedback on

the proposed amended terms and conditions and this was fully taken into account, with some resulting changes made.

With reference to 'underlying principle' you refer to, we accept that the Trust cannot introduce terms and conditions that conflict with other statutory provisions that apply to the Trust's functions, however, section 43 of the Transport Act 1962 does allow us to attach terms and conditions to our boat licences as we see fit, provided there is no actual conflict with these other statutory provisions. We do not see that anything we have introduced into our terms and conditions does present such a conflict.

Turning to your numbered points:

1 In our view the definition of "home mooring" we have used in clause 1.5 is in keeping with the statutory description in section 17(3)(c)(i) of the 1995 Act. We removed additional wording "throughout the period of the Licence" from the draft amended terms and conditions for precisely the reason that you have identified and our published explanation of the further post-feedback changes explained this.

2 We do allow up to two people to be named on the boat licence as licence holders. The amended wording was to make it clear that, in this case, both licence holders will be liable for observing the terms and conditions on a joint and several basis. We are not, therefore, seeking to impose a contractual requirement on a non-signatory. Again, the joint and several wording in the draft amended terms and conditions was amended for this reason and our published explanation of the further post-feedback changes explained this.

3 As explained in our published explanation of further post-feedback

changes, the requirement to cruise when away from the home mooring was already present in previous versions of the terms and conditions. We do not accept that this requirement is in conflict with section 17 of the 1995 Act.

4 We do not accept that these provisions seek to introduce a power to fine. The late payment charge in clause 6.3 was in previous versions of the terms and conditions and is to cover the Trust's administrative charges incurred in chasing up boats on the waterway that remain unlicensed for any period of time. Clause 6.4 simply allows the Trust to charge a boater for the use and occupation of the waterway after the expiry of the boat licence. The refusal to pay a refund after termination for serious or persistent breach of the terms and condition was also contained in previous versions of the terms and conditions.

5 We do not believe that clause 8.6 gives rise to any conflict with the 1995 Act.

6 We do not accept that clause 8.7, which makes it clear that the Trust's power to remove the boat survives the termination of the boat licence, is unfair or unlawful under the Unfair Contract Terms Act 1977 or subsequent legislation.

As we do not accept that any of our terms and conditions conflict with any law or Act of Parliament governing the canals, we do not see that the caveat you have suggested is necessary.

Thank you again for taking the time to provide us with feedback and we welcome NABO's offer to engage in discussion about changes to our boat licence terms and conditions in the future.

Best regards, Ian

Ian Rogers, Director Customer Services and Operations, Canal & River Trust

NABO's response

18th October 2015:

Dear Ian,

Thank you very much for the swift and detailed response.

Our Council met yesterday and discussed this response in much detail. Clearly we have to disagree on certain points—and in the end some of these issues could only be resolved in court: something we could not afford to undertake! Naturally we wish to continue to discuss all these matters with you and your colleagues. In the short term, as you would expect (since our members are requesting guidance from us) we will publish both our views and yours, together with a short summary of the key unresolved points. We will also invite members to raise issues at our forthcoming AGM.

Our Council asked me also to make two important observations:

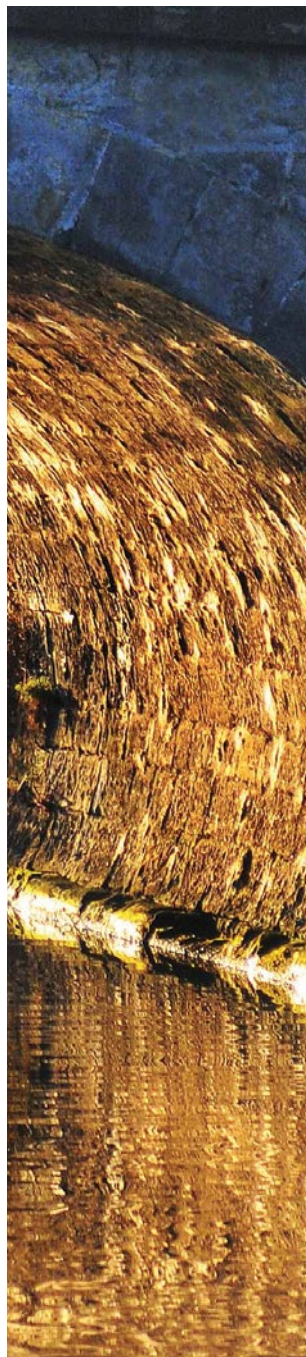
First, given that we are reasonably intelligent professionals, (besides our legal expert) we all have great difficulty in understanding some of the wording in the T&C's—so much is pure legal jargon. We would urge you to get a plain English version of the T&C's produced—this would go a long way to making sure all your boaters understand exactly what they are signing up to.

Secondly, we would ask for far better uniformity in applying the T&C's—we have many members reporting different interpretations of these and other guidelines, when talking to your bankside enforcement staff, for example, is it 25 miles or 25 km? Place = parish or = 1 mile or 1 km? Even one apparently saying not 25 but 35.

We do look forward to meeting up with you in the near future.

With best regards,

Mike Rodd



Members' insurance on the cards

Dominic Hutt of Hutt Professional Insurance and Risk Management explains how it will work.

HuttProfessional

INSURANCE & RISK MANAGEMENT

If you have any questions, please email me at nabo@huttprofessional.co.uk or if you would like to know more about us, have a look at our website, www.huttprofessional.co.uk.

Hutt Professional Insurance & Risk Management is a trading name of R E Hutt & Company Ltd. which is authorised and regulated by the Financial Conduct Authority. Firm Reference Number 311186. Registered in England & Wales No. 00719278

The wheels are in motion to set up a group scheme for NABO members that will offer competitive rates, an efficient claims service and breadth of cover to take account of as many individual requirements as possible. NABO will also benefit from a small commission from each policy taken out. The scheme will operate on an individual level rather than having a blanket policy for all members: we will correspond directly with each interested member and provide individual documentation, preferably electronically.

Several members responded to the request in recent issues of the

NABO Bulletin to submit their current insurance policy details for us to analyse—thank you all.

There is still time if anyone else is happy to do this; the more information we have to work with the better. Ideally this will be a copy of your policy schedule along with a proposal form or statement of fact—the document that sets out the basis of cover, and any special requirements or wishes you may have. You can email documents to nabo@huttprofessional.co.uk or send by snail mail to me at 63 Job's Lane, Coventry CV4 9DZ.

We aim to complete our analysis by the end of 2015. It will then take a couple of months to finalise negotiations with insurers, so we hope to be able to launch the scheme in the Spring. However, the success of the venture will ultimately depend on a reasonable number of members participating.

Ombudsman's report

Andrew Walker has issued his annual report for 2014/15. The number of cases in CRT's complaint process fell from 232 to 185 and the number going to the Ombudsman was slightly up at 62 enquiries (up from 54 in 2013/14), 16 new investigations opened (up from 14) and 14 investigations completed (down from 15). Of the latter, two were upheld and six partly upheld. Two complaints were from businesses, nine were from boaters, one related to a property tenancy, one to surface water drainage charges and one to the integrity of canal infrastructure. A further five cases were resolved either by the complainant or CRT action without the need for



intervention from the Ombudsman. This year, for the first time, case summaries are part of the annual report, available on the Ombudsman's website. In future, summaries will be added as investigations are completed, rather than waiting until the Annual Report is issued. Go to www.waterways-ombudsman.org/media/1076/ombudsman-annual-report-2014-15.pdf

Incidents and accidents

The BSS has gathered details of 96 incidents on inland waterways.

In May a woman fell off a moored hire boat on the Broads and drowned and another fell off a hire cruiser at a Thames lock, was caught by the propeller and died from her injuries.

There have been other serious injury incidents related to navigation or operational error. A boy suffered life-changing head and eye injuries when his family's hire boat was attempting to pass under a lift bridge. It appears that the bridge was not up and the boat struck the bridge deck. The inspector reported that a number of boats struggled to navigate at the time of this incident because of strong winds.

On a Midlands canal in February, a liveboard owner of a cabin cruiser was forced to leap overboard when there was an explosion and fire caused when the owner was refilling a generator aboard.

In May on an Anglian river, an explosion destroyed a diesel-engined cabin cruiser and damaged three others. The owner may have accidentally opened a cooker knob allowing LPG to build up in vessel and be ignited by the LPG refrigerator.

In July four people were taken to hospital and five boats went up in flames following an explosion when petrol fumes were ignited shortly after the craft was refuelled. The blaze then spread to other boats moored at the site, leaving three completely destroyed. A further petrol explosion occurred in early August at a marina, when around 13 litres of petrol were put into a boat's waste tank, before the error was realised. The boat carried on its journey and a petrol explosion occurred within half a mile. A major injury was sustained by one of the six crew on board.

Compiled and drafted by Rob McLean from investigative work by Dave Washer, November 2015.

Fire fighters tackle a blaze on a K&A widebeam
Photo: Wiltshire Times



CRT roundup

Dr Sophie Castell took up her new role as CRT director of marketing, communications and fundraising on 1st December. She has a mixture of commercial and charity experience, including working with Coca Cola, RNIB and Save the Children.

CRT's head of asset management and performance, Julie Sharman, and head of asset delivery, Simon Bamford, continue to develop and deliver maintenance, repair and asset improvement programmes respectively, but will now be part of the executive team reporting directly to Richard Parry. Julie will also take on responsibility for health and safety.

Sale of long-term CRT moorings

A new 'waterside mooring' website will show current vacancies on a map, with photos, videos and details of 300+ mooring sites. Potential buyers will be able to add sites to a 'watch list' and be automatically notified if vacancies arise. There will be a fixed-price 'Buy-It-Now' option for many moorings, but in areas with high demand the two-week auction will remain for some moorings. Buying moorings will be fully automated online, but boaters who don't have access to a computer will be able to buy on the phone. Details at www.watersidemoorings.com

No licence fee increase

There will be no change to CRT private and business boat licences in 2016.

No Friends for CRT Council elections

8 candidates for 4 Boating places;
4 candidates for 2 Business Boating places;
4 candidates for 1 Employees place;
3 candidates for 1 Volunteers place;
0 candidates for 1 Friends place—none of the nominees had sufficient sponsors and the Appointments Committee will consider co-opting a Friend.

Action on speeding cyclists?

CRT is handing out these cards to errant bikers.



New water strategy

Further to reports in past issues of NABO News, CRT has published its 'Putting the water into waterways 2015-2020' water resource strategy, aimed at maintaining a reliable supply of water for the network. It contains an assessment of how the Trust will deal with future challenges on the demand for water, including climate change, increasing popularity of boating, changing environmental legislation and the impact of canal restoration projects. The strategy also explains CRT's position on issues that are commonly raised by boaters, including lock leakages, side ponds and dredging. An eight-week consultation received 169 responses from canal societies, local authorities, waterway associations and water companies. Progress against the actions in the strategy will be published in an annual report. Go to www.canalrivertrust.org.uk/news-and-views/blogs/the-water-management-team or search 'Putting the water into waterways 2015'.

Festival of Water

IWA's 2016 Festival of Water will be held at Pelsall Common on the Wyrley and Essington Canal near Walsall. The Festival opens on the August Bank Holiday weekend, Saturday 27th to Monday 29th. Boat bookings are now open. www.waterways.org.uk/events/festivals/festival-water/IWA-festival-water-2016-pelsall.

EA mooring clampdown

EA-owned visitor moorings at 22 locations along the non-tidal Thames are now all 24-hour free mooring with the option to pay £5 for each of two extra nights. Anyone mooring for a further period will have to pay £60 a day. The move follows a pilot scheme where legislation designed for car parking was used to regulate short-stay mooring sites owned by the agency

Yet more HS2 amends

The following changes have been made to the bill and the Supplementary Environmental Statement in Additional Provisions 2 and 4:

- 1 Realignment of a road alongside the canal at Fradley, an improvement on the three canal crossings, which have now been removed, but still considered a potential blight on the canal.
- 2 Noise nuisance has not been reduced in the additional provisions at the new Heathrow Express Maintenance Depot close to a tranquil area of the Slough Arm of the Grand

Union Canal.

- 3 The 'Oxford Canal Viaduct' near Willison's Bridge, Wormleighton, is being moved slightly to allow the canal to pass through the southernmost span and give increased views of the landscape from the canal.
- 4 Curzon Street Station on the side of the Digbeth Branch Canal is to be moved further east, across the A4550.

Become a TV star

A TV production company called Pi Productions, started by the chap behind Grand Designs, is working on a potential documentary for a major broadcaster about people looking to move out of their home into something considerably smaller (like a boat?). They are looking for people who have managed to fill their homes with family heirlooms, collections of memorabilia etc., but now is the time to let them go. If you are planning to downsize and want to be considered, contact Lily O'Kelly on 020 3761 4747 or lily.okelly@piproductions.tv



L&L Bicentennial

Next year sees the bicentenary of the completion, on 22nd October 1816, of the Leeds and Liverpool Canal, Britain's longest man-made waterway. Celebrations will include a project to replace the missing or damaged mile-markers, a new choral symphony, a coast to coast canoe trail, the Super Slow Way arts project, festivals and other events along the canal's 127 miles. In October 2016, the heritage education boat Kennet, run by the L&L Canal Society, will recreate the first five-day trans-Pennine journey made 200 years ago by merchants from Yorkshire and Lancashire. Mike Clarke, L&L Canal Society president and canal historian, will be publishing an updated version of his book *The History of The Leeds and Liverpool Canal*.

Lock safety: Paddle gear,

David Fletcher gives an update on paddle pawl stops.

What can we do?:

Check our windlasses for wear and dispose of worn ones.

Always use the correct hole in the windlass.

Always re-engage the pawls after lowering.

Make sure our crews are well-informed.

Report stiff paddles to CRT.

At the Navigation Advisory Group (NAG), we have been working with CRT on the safety issues around lock operation. This has come to the fore as CRT has been adding pawls stops to prevent them being left flipped back and out of action. CRT consulted on the issue this summer. The key points are:

- There continue to be serious accidents with windlass runaways and we have to make the pawls work.
- The causes are misuse of the pawls (not re-engaged), use of the wrong hole on the windlass and spindle wear.
- It is not possible to hold up a pawl and operate a windlass with two hands.
- Gate paddles are less easily operated than side paddles due to their height.
- Two types of spindle, small taper and large square causes confusion.

CRT has accepted that if pawl stops are to be universally installed, then it must be possible to wind the down paddle single-handed. If it needs two hands then it is not possible to hold up a pawl to lower the paddle. This is a function of the force, the position of the spindle and the length of the windlass arm. As locks vary widely in heritage and design, there is no single solution.

Point loading on taper spindles is causing significant wear, which results over time in poorly fitting windlasses. This is commonly caused by using the large square hole on the windlass on the small tapered spindles. It is noted that the recent availability of the 'skeleton' windlasses causes point loading too, although there is no evidence at the moment that this is causing wear.

CRT is carrying out a data-gathering exercise related to worn spindles. At the same time the forces required to operate the paddle will be measured and where possible these forces will be reduced. In the meantime, CRT will not be modifying any further pawl stops.

NAG considered that, over time, all square spindles—on hydraulic gear and lift bridges—should be converted to taper spindles. Also the standard windlass should have one hole to fit the taper spindles only; for many users the large square spindle is rarely seen. NAG also noted that there were varied views on the re-engagement of pawls, accepting the need to educate users to re-engage pawl catches after using them. Please let us have your views. This issue is not going away.



lock ladders and fire extinguishers

Louis Janke*l* is not impressed with recent developments in his open letter to EA.

As a mere customer of the EA and not subject to any EA specific health and safety (H&S) considerations I shall manage to try and remember this when I am next locking up and the boat next to me bursts into flames. As I immolate (and I use the word advisedly), I shall die in the full and certain knowledge that lock-side staff have fulfilled some obtuse H&S ordinance and I have saved them from some back strain. Of course, if you spent a bit of money and bought carbon fibre ladders weighing some 12 kilos you could have removed the problem and kept this matter away from public scrutiny, but non-confrontation would appear not to be the EA way.

Concerning the use of fire extinguishers, I have worked in the retail service industry and know that it is a legal and moral duty of any employee to help a customer on the premises. Are you sufficiently deluded to think your lock-side staff will stand about watching your customers burn in their lock while waiting for the emergency services to arrive? It is certain that you are placing your staff in much greater danger by withdrawing the few tools they have because, sure as eggs are eggs, you cannot instruct your staff to turn off their natural inclination to aid anyone in peril. Would you impassively stand and watch screaming children and parents begging someone to help them off their burning boat while waiting on the lock-side for the fire brigade?

A marine accident investigation into any such tragic instance will study all the correspondence relating to the withdrawal of this equipment. I am sadly confident that the EA will suffer yet more reputation meltdown and people will be held to the consequential corporate legal responsibility. However hard you try you can never legislate the hazard out of boating, which is inherently dangerous. Worse, to attempt to do so with health and safety regulations that are renowned for their contradictions is even more farcical. Find an alternative strategy that considers your customers equally well as you now propose to consider your staff.

Helen Hutt on the discussion about EA lock ladders: "How about the inherent dangers of this one, taken in one of the locks on the Ashton Flight near Manchester in January 2015?"



WOWs and WOEs

Some words of warning (WOWs) and words of encouragement (WOEs) for anyone intending to visit London

Helen Hutt, single-handed C Cer, gives capital advice

I'd been invited to a birthday party in Hertford in November. At the beginning of October, I downloaded the winter stoppage maps and worked out I could get there, and back to Hemel Hempstead, in leisurely fashion, in good time for Christmas. My original intention was to take the Thames from Brentford to Limehouse. **WOW 1:** don't assume this is possible. Inconvenient tide times, neap tides and short daylight hours conspired against me, so I headed for the Paddington Arm, Regents Canal and Hertford Union to get onto the Lee Navigation.

The crew I'd lined up to do the Thames agreed to come to help with the London locks. We arranged to rendezvous at Acton Lane Bridge, Harlesden. Lots of moored boats but I managed to squeeze in. We got up early and set off in the rain on Friday 30th October. As we cruised, we agreed there were definitely more moored boats, more wide beams, more cruisers and more young people than we'd seen on previous visits. But, you know what? It all felt very friendly.

WOW 2: As we approached Islington Tunnel, I went below to make lunch. My (very experienced) crew didn't spot the third item on the notice at the tunnel entrance, stipulating one-way working. He assumed that this, like all others on the GU, would be two-way. Fortunately the boat we met half-way was a narrowboat, not a widebeam! On we went but at Sturts Lock, a bomb-

shell. A volunteer lockie pointed to an A4 notice saying that Old Ford Lock and the Hertford Union were closing in two days until after Christmas. **WOW 3:** This stoppage had been posted on 16th October but the stoppage maps on the CRT website don't get updated. You need to look at the notices page and/or sign up for email alerts—wise after the event, I've done this now.

So, we reversed out of Sturts Lock, winded and (it now being mid-afternoon) decided our only mooring option was Paddington Basin. First **WOE:** we happened upon relatively new 24-hour moorings at Granary Square, part of the Kings Cross redevelopment. Room for four boats, rings, on the offside, surprisingly quiet, security patrol and fence with gate locked at dusk. **WOE 2:** Kings Cross theatre was just a few minutes' walk away, so we treated ourselves to a brilliant performance of 'In The Heights'! After the theatre we returned to find **WOW 4:** a widebeam had moored brazenly alongside. This seems to be perfectly acceptable practice!

The next day was the sunniest November Sunday ever and with it comes **WOW 5:** don't attempt Camden Locks on a day when a flotilla from St Pancras Cruising Club goes off to Kensal Green for its annual Hallowe'en bash. On arrival we were 7th in the queue, and took four hours to get through. **WOE 3:** as we entered Paddington Pool, I checked out the two visitor moorings where I had booked a three-night stay for my



(now aborted) return journey in late November. In partnership with CRT, Rembrandt Gardens offers free 3-4- or 7-night stays with changeover days on Tuesdays and Fridays—rembrandtgardens@gmail.com—much nicer than Paddington Basin!

And so back to Harlesden in the gathering gloom, whence my disappointed crew headed home. I moored at the first spot on the 7-day stretch, right opposite the pub, intending to move on the following morning. But it was raining and I eventually stayed for a whole week. WOE 4: my experience, here and at other London locations, is that it felt far less threatening than previously. I met several single young women boaters and began to understand why there is such an increase in numbers: mainly, it seems, down to the lack of affordable housing. A boat is seen as an inexpensive alternative and a fun lifestyle. Enforcement of the 14-day rule is ‘working’—but all it means is that boats shuffle around; it doesn’t ease the congestion. Maybe boaters even coordinate their movements on Facebook or something. WOW 6: they do it after dark or, presumably, after work.

Then, with all cruising plans up the swanny and no point in hurrying, I too shuffled on to moor alongside Willow Tree Open Space, a lovely spot just a ten minute walk from Tesco Yeading—from where I made my trip to Hertford by bus

rather than by boat. I stayed there for ten days, even leaving the boat overnight on three occasions because it felt so safe. WOE 5: because there are more lived-on boats around, there is a definite ‘community’ atmosphere, even in what I would previously have considered ‘dodgy’ areas. Admittedly, this wasn’t the height of the season and I haven’t any tips for summer visitors other than to check out the two moorings mentioned above. To CRT I would say: “The problem of congestion won’t be solved by making boats move every 14 days (although I agree it is vital to apply the rules) because the cause of the problem is beyond your control. So, work around the situation. Why not create a couple of 24-hour spaces at each existing visitor mooring site (most are 7- or 14-day) and monitor them every day to ensure they are properly used? London liveaboards are less likely to pitch up for just one night. Plus, ensure there is sufficient dredging either side to allow safe bank-side mooring.” Call me perverse if you like but, despite the disruption to my journey, I really enjoyed the experience and the new dynamic.



Helen adds: “I spotted this notice at Greenford Bridge on the Paddington Arm. WOW 7: this is the only water point between Bulls Bridge and Little Venice”

Roving traders: Antiques Afloat

People who make a living from waterway trading. This time, Ali and Tim Smith

After spending many years around other types of boat, both professionally and for fun, we settled on a narrowboat, and in 2008 we bought 'Caretta' and immediately moved on board.

At the time we had a land-based antiques business and we made our living attending the country's major antique fairs. Five years ago, the idea suddenly dawned on us to try trading from the boat. Once our trading licence came through, we gave it a go. Originally the idea was to trade from the boat in between fairs, but it soon caught people's imagination and Antiques Afloat has gone from strength to strength. Because of this, we now stock a range of canal related

items, most notably Meashamware, as well as more general antiques.

Our aim is to have something for everyone, even the person who thinks that antiques aren't for them, or people on a tight budget. With the success that Antiques Afloat has had, we now divide our time seasonally between trading on the towpath and at the showgrounds of Britain, which means that we are busy throughout the year.

We can't cover the whole network between Easter and October each year, but we try to do as much mileage as we can. One thing is certain, we never get fed up with meeting people and chatting about antiques and canals.



CRT Byelaws

Stephen Peters concludes his series of articles on the legislation that governs CRT activities with a résumé of the byelaws that apply to the inland waterways controlled by CRT.

When CRT took control of the BW waterways, it inherited the latter's Acts of Parliament and Byelaws. As previously, I have selected the main provisions of the two sets of Byelaws and omitted words or sections that are superfluous to a basic comprehension of the legislation, or which have been superseded by subsequent legislation. Copies of all relevant Acts and Byelaws are obtainable from the CRT website.

General Canal Byelaws 1965

Dated 24th February 1965 and introduced originally by British Waterways Board and made pursuant to Section 16 of the British Transport Commission Act 1954.

These Byelaws were introduced and apply to every canal or inland waterway in England and Wales belonging to or under the control of CRT with the exception of the Gloucester & Sharpness Canal and the River Severn Navigation which have their own specific byelaws. Originally the general byelaws did not apply to the Lee & Stort Navigation but they do so today.

In the context of the byelaws the term 'canal' also means river navigations falling within the remit of CRT. They include requirements for the fitness of vessels, speed limits, marking and identification of vessels, use of fenders, lights and visual signals, sound signals, safe navigation, use of locks and bridges, mooring of vessels, use of towing paths and general controls of behaviour such as smoking, bathing, intoxication,

vandalism, etc.

Anyone who offends against the Byelaws shall be liable on summary conviction to a fine imposed by the Magistrates.

BWB Byelaws 1966

These are dated 18th November 1966 and extend the 1965 Byelaws to

BRITISH WATERWAYS BOARD

BYE-LAWS

for the regulation of the canals belonging to or under the control of the British Waterways Board (other than the canals specified in Bye-law 1) made pursuant to the powers of the British Transport Commission Act, 1954.

(N.B.—The sub-headings and marginal notes do not form part of these Bye-laws)

Application of Bye-laws

- Application of Bye-laws**
1. These Bye-laws shall apply to every canal or inland navigation in England and Wales belonging to or under the control of the British Waterways Board except the following canals:—
 - (a) The Lee and Stort Navigation
 - (b) the Gloucester and Sharpness Canal
 - (c) the River Severn Navigation

which are more particularly defined in the Schedule hereto. Provided that where the provisions of any of these Bye-laws are limited by such Bye-law to any particular canal or locality then such Bye-law shall apply only to such canal or locality to which it is so limited.

These Bye-laws shall come into operation at the expiration of twenty-eight days after their confirmation by the Minister of Transport as from which date all existing Bye-laws applicable to the canals and inland navigations to which these Bye-laws apply (other than those made under the Explosives Act, 1875, and the Petroleum (Consolidation) Act, 1928) shall cease to have effect, without prejudice to the validity of anything done thereunder or to any liability incurred in respect of any act or omission before the date of coming into operation of these Bye-laws.

Interpretation

- Definition of Terms**
2. In these Bye-laws, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"authorised officer" means any officer, employee or agent of the Board acting in the execution of his duty upon or in connection with the canals.

"the Board" means the British Waterways Board.

"canal" means any canal or inland navigation belonging to or under the control of the Board and includes any works, lands or premises belonging to or under the control of the Board and held or used by them in connection with such canal or inland navigation.

"composite craft" means a series of vessels not being power driven vessels towed by a power-driven vessel and so joined as to form a unit under single control.

"day" means the period between sunrise and sunset.

apply to the Lee & Stort Navigation and repeal the River Lea General Byelaws dated 1908.

BWB Byelaws 1972

These byelaws dated 4th February 1972 prohibit or control water skiing or any similar activity on canals and rivers belonging to or under the control of CRT. No water skiing is permitted without the consent of CRT. *Water skiing does take place with permission on parts of the River Trent.*

No water skiing is permitted without the consent of CRT

BWB Byelaws 1975

These were made on 10th January 1975 to require the displaying of licences on vessels. These were revoked by the 1976 byelaws.

BWB Byelaws 1976

These were dated 17th November 1976 and require vessels on any canal (not being a river waterway) to be licensed and for the licence to be displayed. *They do not apply to rivers because the similar requirement is covered in the relevant Acts.*

Byelaws for the regulation of the Gloucester & Sharpness Canal and River Severn Navigation 1962

An earlier set of Byelaws made originally by the British Transport Commission and inherited firstly by BW and now CRT.

These are dated 25th January 1962 and apply to the named waterways and associated land. They cover similar matters to the General Canal Byelaws i.e. use of vessels, mode of navigating, use of locks and bridges, mooring of vessels, use of towing

paths, wharves and warehouses and general requirements. There are two sections at the end of the byelaws relating to the regulation of ferry boats, boats for hire and passenger boats on the river. These are largely superseded by other legislation and MCA requirements.

Those byelaws of particular interest to pleasure boat users include:

11 No powered vessel shall navigate upon the River Severn within 30 feet of the river bank except in five specified geographical locations. There are exemptions for vessels mooring up or in emergency. Overtaking is also prohibited along the five specified sections which are particularly narrow or shallow. *Not many boat owners seem to be aware of these rules.*

21 A speed limit of 6 mph over the river bed applies on the River Severn when proceeding upstream or 8 mph when proceeding downstream. Presumably the river is deemed to flow at 2 mph? The speed limit on the G&S Canal is 6 mph (unlike other canals where it is only 4 mph).

51 Navigation under sail is not permitted on the G&S Canal.

Byelaws Relating to Waterways Previously Controlled by other Authorities

London Docklands Development Corporation Byelaws 1996 made by virtue of the London Docklands Development Corporation Act 1994.

City of York—Rivers Ouse and Foss Navigation Byelaws 1979 made under the York Corporation Act 1972.

River Tees Barrage and Upstream Rivers Byelaws 1993 made by Teesside Development Corporation.

Rewind 15 years

Tony Haynes continues his look back through NABO News September 2000

Vandalism

A member calls for a comprehensive report on vandalism. But Chairman, Sue Burchett, writes: "In twelve years of continuous cruising we have only been attacked twice: once by a child with a catapult and maggots and once when descending the Wolverhampton 21 when two lads were stoning anyone who moved. Getting my camera and mobile phone out dislodged them."

Anglers

Bob Corfield writes: "I had a friend who was a competition angler. I asked him how he would like boaters to proceed past him. He said as slowly as you can and in the centre of the canal. I have followed this policy for two years now and I frequently get thanked by the fishing brigade for passing them at dead slow."

Doggie doos and don'ts

Stuart Sampson, who lived with five dogs aboard his boat, writes: "I do agree that dog waste is the least desirable aspect of dog owning, and dispatching it into the cut is not the best thing to do, but it is better than leaving it to be trodden in. For those who fear to clear their props in water that may have been the grave of the odd doggie doo, consider how much fish and bird excrement is already in the water."

BSS

Retired Fire Officer, L.P. Watson writes: "In 1997 it cost me £547 to get a safety certificate for my boat, which was no safer, and in one respect less safe than it was before the

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NABO News
Issue 6:00

NATIONAL ASSOCIATION OF BOAT OWNERS

NABO News
DON'T MISS YOUR CHANCE TO COMMENT ON THE BSS

BSS inspection. 80% of the cost was unnecessary because those items are now in the Edition Two Exemption List. If this is typical then boaters are entitled to feel aggrieved. The present scheme is far too complex. In order to comply one must plough through three booklets, the Technical Manual, costing £75, and over thirty outside sources. Despite their claims, BW has paid scant heed to the voices of boaters in setting up the scheme, and it has denied them a review."

A NABO survey revealed that the average cost of complying with BSS was £194 in 1995, £378 in 1996, £432 in 1997, £446 in 1998 and £481 in 1999. BSS stress that 45,000 pass certificates have been issued, but they play down the fact that nearly 20,000 failure certificates have been issued to date. The complexity and cost of complying with BSS is the overwhelming reason stated by members for giving up boating. NABO is convinced that the scheme will have to be extensively modified if it is ever to be acceptable to boat owners.

NABO News crossword 26

By Canaldrifter



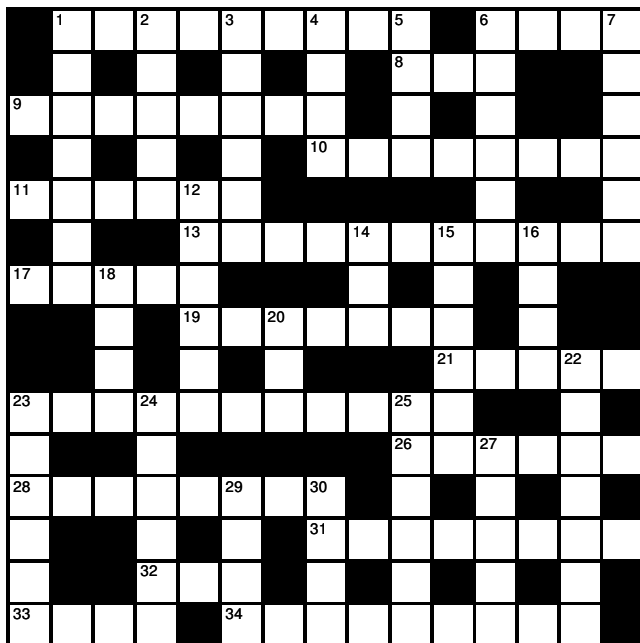
I name this boat ...

If you have spotted a boat name that made you smile, please let us have a photo to use in future issues. Here's one from Brian Holt.

Answers to Crossword 25

Across: 1 Macclesfield, 10 Education, 11 Banjo, 12 Dai, 13 Use, 14 Scupper, 16 Regular, 19 Outings, 22 Freeway, 25 Keenest, 29 Gardner, 30 Ooh, 31 IOU, 33 Trust, 34 Surfacing, 35 Huddersfield.

Down: 2 Aqueduct, 3 Clay, 4 Epicures, 5 Fender, 6 Ebbing, 7 Denial, 8 West Stockwith, 9 Sowerby Bridge, 15 Pen, 17 Err, 18 Ure, 20 Inn, 21 Gas, 22 Foghorns, 23 Ear, 24 Windmill, 26 Enough, 27 Edited, 28 Tousele, 32 Taxi.



Across

- 1 Uses first pound-locked canalised river at awkward crises (9)
- 6 Hazardous launching way (4)
- 8 Segment, of very old boat, we hear? (3)
- 9 Animal crossing at the head of the Lee Navigation perhaps (8)
- 10 The quotation for boat repairs could put ties on mate! (8)
- 11 Tip can over for pet's treat (6)
- 13 Yes his stern is twisting to the keyboard (11)
- 17 Canalside pile of rope? (5)
- 19 Constructs the boat's covers (7)
- 21 Moor and keep busy (3,2)
- 23 Hanging about? (7, 4)
- 26 Collision a demon deed? (6)
- 28 Nemo's narrowboat? (8)
- 31 Sea feeding Venetian canals (8)
- 32 Run back a bad thing? (3)
- 33 Navigable river rising in the Cheviots (4)
- 34 Support UN on the street at canalside village (9)

Down

- 1 Whereas we could get around the canal to Langley Mill (7)
- 2 Consumed by a Thameside Town, we hear (5)
- 3 A bit rough as the cutter goes by? (6)
- 4 Port or starboard team? (4)
- 5 Old sailor's condiment? (4)
- 6 Small fry (6)
- 7 Boater seeking attention could show Eros up (6)
- 12 Narrow strips of land confuse him it's apparent (6)
- 14 A questioning expression, either way (3)
- 15 Method, for all canals? (6)
- 16 Boat's rib support, measured by the foot? (4)
- 18 Live up the cut. It's wicked! (4)
- 20 Boat summons up lots of guts (3)
- 22 Anointment in the junction (7)
- 23 River feeding westward canal (6)
- 24 Felt tiller come back across for a bit (6)
- 25 Canal based theatre group (6)
- 27 Machinery uniting the National Trust and the Port of London Authority? (5)
- 29 An arm to be out on? (4)
- 30 Story that CORGI should look up! (4)

Letters to the Editor

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

Who should pay for swing bridge damage?

The photo is bridge 24 on the Peak Forest Canal. It was recently replaced at an astronomical cost, reputed to be half a million pounds, after being damaged beyond repair by a truck and trailer loaded with rubble which crossed it. The bridge's maximum safe weight load is 3 tons; the loaded truck and trailer weighed an estimated 25 tons.

This morning, 5th October, I photographed the new bridge being abused again and have emailed my observations and photos, which show the vehicle registration number and company name, to CRT Manchester and Pennine, demanding they take action to stop this mis-

use and to claim back the cost of replacing the bridge. As far as I can ascertain, CRT has made no attempt to make a claim for replacing the bridge a few months ago, but paid for it out of CRT funds. This, to me, is totally wrong, and is a waste of precious resources.

On the plus side though, the new bridge is significantly better for single-handed boaters like me, because the mechanism is now electric, not windlass operated, and is on the towpath side, which means I no longer have to bow-haul my boat through. Hooray for commonsense, however belated.

Graham Holmes



Oxford update

We have to agree with many of your comments in the last NABO News about the South Oxford Canal but would like to add one more. Until recently, it was a given that boaters could moor anywhere on the BW/CRT towpath. No longer, for two reasons: as we came into the 'village' (sic—surely a hamlet?) of Thrupp from the south, we passed places where we have moored in the past, which now have 'no mooring' signs. It looks as if it would still be possible to moor there, were it not for the prohibition. The other reason is the overgrown areas of towpath. The 'veg pledge' of cutting vegetation to the canal edge has been forgotten, it seems. In many places, walkers and cyclists cannot see boats passing, just a steerer's head, maybe. Yet we still pay slightly more each year for our licence but for less. As you say, it seems the Oxford Canal (South) is the poor relation. Perhaps an Oxford Canal Society should be formed? Canals with their own society seem to be cared for more.

John and Fiona Slee

P.S. It seems a shame that CRT's contractors cut back the vegetation after the majority of boaters have finished cruising, but that is what the contracts have resulted in. We have encountered more contractors cutting the towpath but leaving the edge uncut. Lots of saplings are taking hold. Eventually they will damage the towpath edge requiring major repairs.

Boating buddies

I recently booked my second passage across the Ribble Link and was contacted by CRT asking if I would be a boating 'buddy' for a boat that had never made the crossing before. Of course I agreed and arranged to meet up with the boat and travel to Tarleton with them the previous day.

On the morning of the crossing, we locked out through Tarleton Lock together and I set out first. It soon became clear that the other boat did not have the power to fight the incoming tide and was only making marginal progress with the engine running flat out. After an hour and a number of telephone calls between the boats and with the lock crew at Tarleton, it was agreed

there was little I could do to help and I should carry out without the other boat. After some time they managed to get back in to Tarleton Lock and the safety of the canal. I completed the crossing without any further incident.

This experience got me thinking about the responsibilities and possible liabilities that a boating buddy could be unwittingly taking on. I had no guidance from CRT and other than having completed the Ribble crossing once, CRT had no way of assessing my competence. I have seen recently that CRT is also considering a boating buddy system for the tidal Trent, another river with serious potential hazards. One wonders what the situation, legal and moral, would be if a boating buddy managed to get themselves or the other boat into difficulty. Is the buddy obliged to go to their rescue? In the worst case if there was an injury or worse, what would the liability in law be for the boating buddy? I have no problem acting as a boating buddy to help others over difficult passages that I know, but I would like to know what I am taking on before doing it again. Does anyone else have any thoughts on this? Would you be a boating buddy if asked?

Dave McInerney

CRT licensing

- a letter to from a confused licence-holder

I received a 'do-not-reply' email from you to renew my boat licence. I was asked to check my registration with your database as payment details were changing. I had an idea my customer number was 908***** (from my existing licences) but your web-page told me it began with an 8 and was only seven characters so things had changed. I eventually managed to recall the information that allowed me to log in to your web and my account. I saw my customer number was 802****. With my account access I find no reference to my boat number 49406, which I had always presumed was unique and would identify me.

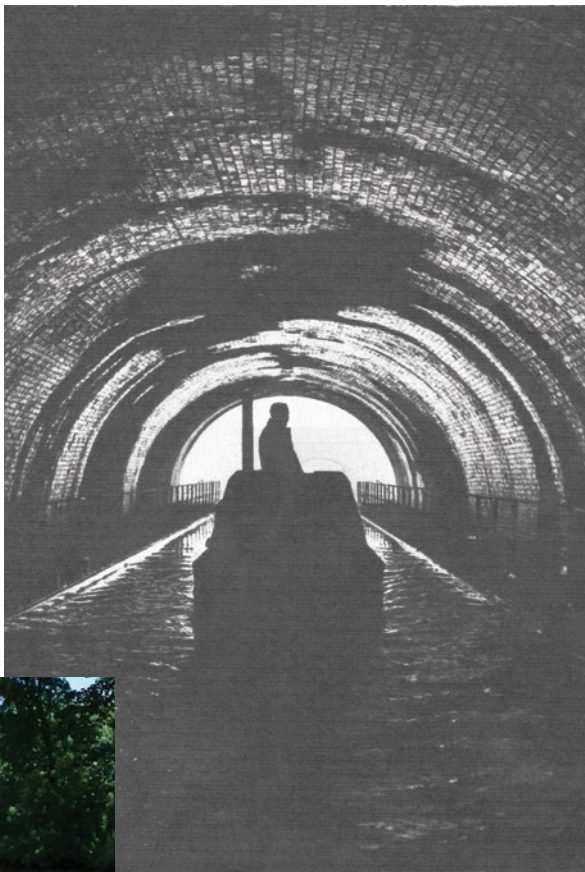
I then discover I have another number, 124938, which is my boat licence number! 908***** or 802**** or 49406 or 124838 all singly and uniquely identify me. I am sure you will need my date of birth (15-02-**) and my mobile telephone number 078311****. So with all my unique identities I attempted to renew my licence as requested

and due on 1st January 2016. But, yes you have guessed it, I have a Gold Licence and I am not able to renew that at this time.

Now everything has changed and I need to fill out many more forms. No doubt at a point in time, I know not when, you will have that facility available on your website. May I ask that, when I discover that I am able to renew my Gold Licence, you manage to resist allocating me yet another unique number? It should be noted that my Environment Agency unique identification is a little less complicated than yours, being my boat name "MADAM", and this is also my Port of London Authority unique ID. For your information I spent the 1980s and 1990s designing systems for the emerging computerisation and database demands. I know a little about IDs.

Louis Jankel

Some numbers have been masked by the Editor



Farewell Fred

It is with great sorrow that on 18th November, Fred died in hospital at Peterborough after a mega heart attack. What a marvellously skilled and knowledgeable man he was, and so quiet and modest. A privilege to know and an honour to be his wife. Fred's funeral will be held on Monday 7th December at 3.30 pm at Fenland Crematorium, Knight's End Road, March, Cambridgeshire, PE15 0YJ. There will also be a gathering of remembrance on Saturday 12th December at 2.00 pm at the Bridge Inn, Brewood, Staffs, ST19 9BD. Please come along with your memories of Fred and any photographs you have.

Sadie Dean

Merry
CHRISTMAS



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