



NABO News

The Magazine of the National Association of Boat Owners
Issue 1 February 2016



TRAGEDIES IN THE WINTER FLOODS
EA CHANGES ITS MIND ON LOCK LADDERS
ADVENTURES OF A CONTINUOUS CRUISER



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NABO News

The magazine of the National Association of Boat Owners

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Cover photo

This month's cover photo is from Barry Witts, taken at Dimmingsdale on the Staffs & Worcs Canal.

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 **19th March 2016**.



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Mooring matters

Editor **Peter Fellows** focuses on moorings in this issue

The effects of the Christmas flooding on the Lancaster Canal, Rochdale Canal, Calder & Hebble and Aire & Calder Navigations continue to be felt, with CRT recruiting volunteers and diverting funding to clear up the mess and reopen the waterways. Our thoughts are with boaters whose craft were damaged or destroyed, as well of course with the residents who suffered damage to their homes. Perhaps the local partnerships have a role to assist CRT to raise funds for the repairs?

There is a focus on moorings in this issue: the January Council meeting considered NABO's policies on moorings in preparation for a discussion at the Navigation Advisory Group Licensing and Mooring meeting this month, which will focus on CRT's mooring strategy. Mike Rodd uses his Chairman's column to

reiterate NABO's mooring policies, and continuously cruising Council member, Phil Goulding, recounts his recent mooring tribulations. The Waterways Ombudsman has issued his 2014-2015 report, which contains a number of complaints that relate to moorings and I have extracted a summary of one of these.

It has been a good start to 2016 for NABO, with the EA changing its mind about lock ladders and fire extinguishers, exactly in line with NABO's suggestions at the end of last year. Also Council member Stella Ridgway was elected to the CRT Council—our congratulations to her.

Elsewhere in this issue, Stephen Peters continues his review of the laws that govern CRT activities and there is a timely reminder to take care getting on and off your moored boat.

Sunk boat on the Calder and Hebble

Photo: Simon Morley/
Huddersfield Daily Examiner



To moor or not to moor

Chairman **Mike Rodd** reflects on CRT mooring issues



Long-term NABO council colleague, Trevor Rogers, can sometimes be a real pain in Council meetings! Whenever an issue comes up, Trevor gently but firmly turns to the Chairman and says, “Well, what is NABO’s policy on this?” But, of course, he is right and this set me thinking when we were advised that the forthcoming Navigation Advisory Group Licensing and Mooring meeting in February will look into various types of available moorings.

So after a couple of years as your chairman, I thought this would make an interesting and—I hope—provoking challenge: what do we, as your Council, really believe collectively in terms of moorings? For a start, we are all active and committed boaters, with a good mix of continuous cruisers and those with home moorings, and, after all, we have all agreed to serve on Council because we believe we can make a difference. NABO exists only in order to represent private boater members. And, as we do this willingly and unpaid and all put in extensive amounts of our time, it is vital that we—and our members—understand what our policies are. These currently concern visitor, general towpath, long-term permit, service and winter moorings.

Visitor moorings

Currently, there are free 1-, 2-, 5-, 7- and 14-day moorings, as well as some with much shorter times, say near a supermarket. We fully support CRT’s Dean Davies’s work on producing a ‘Short-term Moorings—Framework for Change’

policy. We have seen this being applied successfully, but also being totally ignored. We believe that it should form a mandatory framework to ensure national consistency of local decision-making. No changes should be made unless there is evidence of need, which should include evidence of a consistent lack of available mooring space—obvious you might think, but not evident in the current South East visitor mooring consultation.

We believe, as licence holders, that visitor moorings should be of sufficient depth and standard to enable boaters to moor and get on or off their boat with ease; and they should be free of charge. Time-limited visitor moorings should exist only where there is a proven need to control availability in accordance with the published visitor mooring framework. Also, this might be for just three months, for example, as opposed to the full April—October period. Time-limited moorings should be simplified to 2- or 7-night usage (as opposed to days), as this would be easier to understand and to implement.

However, there is a general dearth of ‘good’ moorings, and consideration should therefore be given to better maintenance that would yield further usable areas close to any time-restricted visitor moorings. By ‘good’ we mean that these areas are dredged properly and vegetation is regularly cut back. It is essential that in reallocating existing visitor moorings as ‘time-limited’ we do not lose any good towpath moorings. Those need to be maintained and available,

even though no longer classed as 'time-constrained' visitor moorings. We also believe that these short-term moorings should be available to all—that is, there should be no 'hire-boat or trade-only' moorings.

We recognise that in a very few high demand areas (examples might be Central London or Bath) there is an argument for the creation of premium short-stay moorings that attract a charge. The classic example is Llangollen Wharf and basin, where £6/day is currently charged, with a limit on the number of nights stayed. We are generally nervous about where this could lead, as we would not wish to see widespread paid-for moorings. However, we reluctantly accept that in certain 'hot-spots' there might (if proven via an amendment to the Dean Davies framework) be a need to share the available moorings via a pre-bookable and pre-paid-for scheme. It should be emphasised, however, that this must not be interpreted as a 'fine' for overstaying, but rather as a charge for all the facilities provided (e.g. power, water, waste disposal, pre-booking) and not just one of them. £6/day as in Llangollen is not an unreasonable charge but £25/day at time-limited moorings with no facilities is not a charge but a penalty. It should be noted that no pre-booking scheme should allow block bookings by, say, hire-boat companies; a procedure that would achieve 'hire-boat only' moorings through the back door.

General towpath mooring

We do understand that many continuous cruisers simply want to do just that—continuously cruise—and that they are very happy to abide by the restrictions that this implies. It goes without saying that general towpath moorings should be available for 14 days at a stretch and free of charge.

CRT has now mapped the canal system into 1 kilometre sections. We would like to see CRT ensure that within each kilometre there is a towpath stretch where it is possible to moor as described above, with these areas properly dredged and vegetation regularly cut back. Mooring in this way is becoming more difficult and is putting unnecessary pressure on time-limited visitor moorings.

Long-term permit moorings

We are pleased that CRT has dropped the auction process in many areas, but we note that in some areas the 'buy it now' price has been set at a level that results in towpath permit moorings remaining empty. We suggest that in these areas prices should be adjusted to make them attractive. We also accept that there is a shortage of moorings with residential permission. We would support CRT in its efforts to provide additional residential moorings and we suggest that the current long-term mooring locations should be reviewed to see if they could be moved to more attractive areas or converted to residential moorings—provided, that is, that they do not impact on navigation or take away existing visitor moorings.

Service moorings

It goes without saying that service moorings should only be for that purpose.

Winter moorings

We have always supported the concept of winter moorings, whereby boaters may pay for a specified mooring and a specified period over the winter. We are content that these should be made available by temporarily re-designating some of the existing short-term moorings, as long as a local analysis demonstrates that this would not adversely affect

other boaters who would want/need to use them as usual. Additionally, CRT should continue with the policy of not taking all visitor moorings in any one place for winter moorings. We would urge that usage needs to be monitored and enforced, particularly following any changes to visitor moorings. Finally, we do not support any form of 'roving mooring' scheme.

Enforcement

It is essential that there is consistent and adequate monitoring and enforcement. We have much sympathy with CRT in its efforts to achieve this with respect to all aspects of moorings. However, we firmly believe that the majority of boaters are perfectly happy to accept regulations as long as these are sensible, legal and fairly applied. We do not believe that the whole of the network needs constant patrolling; regions where there are no pressing issues can, by and large, be left alone. Any serious issues will, we are sure, swiftly be reported to CRT by other boaters!

Conclusion

The boating community is gloriously diverse, united by a love of our waterways and the pleasures and opportunities to be found there. If ways can be found to administer the necessary regulations with the lightest possible touch, so that the well-intentioned and contentedly compliant majority of users are not antagonised by heavy-handed restrictions designed to control the relatively few abusers of the system, then it is our belief that ways can be found to accommodate the sometimes conflicting needs of the various users as fairly as possible. The thoughts above are offered as a contribution to the debate on how this can best be achieved.

Berko's rockin'

CANAL DISPUTE

Residents rocking the boat

By Tom Berwin
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A row has broken out between residents of Berkhamsted over proposed restrictions to boat moorings along the canal.

A consultation is currently taking place which proposes to restrict boats to two days' mooring in the town.

But boaters are challenging the plan, drawn up by the Canal and Rivers Trust, because they think it does not reflect the feeling of the town.

The Berkhamsted Citizens Association, which received complaints last summer, supports the plans.

Sam Elgar, 29, from Littlemire, works in the town and loves to visit Berkhamsted on her narrow boat to spend time with friends.

But she thinks the plans are a 'misrepresentation of how the town feels.

She said: "I consider Berkhamsted home and I'm one of the people who is being pushed out."

"They (the trust) need to look at the bigger picture and not be misled by the propaganda of what has been expressed by the association. "We need to work together on this."

However, the citizens association thinks the boaters have caused too much disruption in the town.

It received several complaints last summer from residents that boaters were 'having parties' and 'smashing fence panels'.

Boatice chairman, Gordon Black, said: "Certain boaters were not playing the game."

"There were no restrictions before and there was antisocial behaviour."

"They were causing a bit of a nuisance and caused a great deal of fuss."

"Berkhamsted is not pretentious, but it is a town on the Grand Union Canal."

"I'm aware that the boaters are unhappy but there are elements of the boating community that are not respectful to what is a nice environment."

"If the boaters win the day, so be it - we are not a single pressure group. We are just representing the community."

Go to www.canalrivertrust.org.uk to find out more about the proposed changes which involve restricting summer moorings in Berkhamsted to weekends. The consultation period ends on February 29 so have your say by then.



The Grand Union Canal in Berkhamsted

Alan Fincher writes

CRT are proposing to introduce new visitor mooring restrictions at three sites on the Grand Union, namely Batchworth, Berkhamsted and Marsworth.

Additionally, whilst not planning to change the existing time limits at Braunston, CRT is proposing to introduce the £25 per day overstay charge already detailed at some of the other most popular sites in the South East.

The initial proposals were presented to the Boating Sub-Group of the South East Waterways Partnership, and were in some cases more restrictive than what is now presented. After discussion they were cut back to what is now proposed.

If this subject is of interest to you, either because you support further restrictions, or because you oppose them, the vital thing to note is that CRT is now running a mini-consultation throughout January and February, so you have until February 29th to make your views known.

A similar, but smaller exercise in connection with visitor moorings at 'Three Locks' produced very few replies, and not unsurprisingly CRT took that to mean that the trial that had occurred there should now become permanent. It seems reasonable to assume that if there is not a reasonable level of response to the proposals at these four locations, CRT is likely to implement them in more or less the form now proposed.

The details, including stay times and maps can be found here; canalrivertrust.org.uk/enjoy-the-waterways/boating/mooring-your-boat/south-east-visitor-moorings/south-east-visitor-mooring-consultation-january/february-2016



Fly on the wall

Observes proceedings at the January Council meeting

The first meeting of the year, but several Council members sent in sick notes and a NABO email failure sent Phil Goulding to the wrong venue!

Anyway, joined by members Frank, Gillian and Alison, the Chairman eventually managed to squash everyone into a room at the Weighbridge at Alvechurch and things got underway.

Pre-lunch was dominated by policy discussions for the forthcoming Navigation Advisory Group Licensing and Mooring meeting, which will focus on CRT's mooring strategy (do they have one?). This will cover short-stay visitor moorings, short-stay 'premium' moorings (what does 'premium' mean?), residential moorings, general towpath moorings and winter moorings. This gave Council members the opportunity to look again at NABO's policies and, where necessary, revisit previous decisions. NABO has been consistently saying the same things for many years regarding visitor mooring (keep it simple and justifiable), the need for more residential moorings and, somewhat reluctantly, accepting that real hot-spots might need some form of pre-booking and, if there are additional facilities, a payment.

Everyone agreed that consistency in enforcement is key and there are real shortcomings here. Some recent and almost farcical experiences (but not for the unfortunate boaters involved) by several members around the table, proved that CRT has not got its story consistent. Local enforcement officers seem to be inventing new rules as they go along—and then, when challenged, apologising. Not a great way to treat your prime customers. Council ended up sending Mark and Alison off to their meeting with some clear views on each topic. Now they wait to see if CRT really does want to listen?

Following this intense and lengthy debate, the Chairman, with a huge grin, said that at the recent Thames Navigation Users Forum the EA reported that, after a review, it had decided to replace all those heavy free-standing lock ladders with lightweight versions and not to get rid of the fire extinguishers—which is exactly what his letter to the (now-past) Chairman of the EA had suggested! Interesting coincidence here: of course, the resignation of the EA Chairman had nothing to do with all of this! According to the EA, this whole affair has been a storm in a teacup! Not quite, when it started with a formal health and safety report from the EA itself. (Oh, but apparently that should not have been leaked you see....)

The Chairman also had a very informative session with the Waterways Ombudsman and the chairman of his overseeing committee. This was particularly timely given that NABO's friend, Allan Richards, had quite correctly been highly critical in Narrowboatworld of the changes from the old BW scheme to

NABO calendar 2016

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

Council meetings are held at boat clubs in the Midlands area—see the website for details. Members are welcome to attend Council meetings; please just let the Secretary or Chairman know in advance (contact details inside cover).

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the new CRT one. This changeover seems to have been a real shambles. However, Chairman Mike reported that his meeting was very constructive and it is planned to continue these discussions at least annually. Despite the shambles of the changeover, the actual work of the Ombudsman has continued, with over 60 cases being dealt with in the past year. With a determination to make the process as transparent as possible, the Ombudsman's website now has many cases studies, which make interesting reading.

Finally, never a dull moment at the NABO

Council! The not-always-very-exciting (but very important work on behalf of members) reports on the BSS work were followed by an input from Alison Tuck (she of the Roving Canal Traders Association), who had undertaken some modifications on her own boats, only to find it difficult to get advice on whether the changes would meet BSS requirements. With her BSS running out, things are getting serious! Fortunately, previous Chairman David (now Chair of the BSS Technical Committee) knows a man who might help – we await news of the results! Byeeeeee.

Congratulations Stella



Voting for CRT Council elections closed on 17th December and the following people were elected, with the total number of valid votes shown for each category:

- Private boating (1,860): Andrew Phasey, Phil Prettyman, Stella Ridgway, Vaughan Welch;
- Business boating (158): Nigel Hamilton, Andrew Tidy;
- Volunteers (259): Ian McCarthy;
- Employees (461): John Ellis.

CRT's Appointments Committee has also co-opted Nicola Benjamin onto the Council to represent Friends (who give a regular monthly donation). Details of election results are at canalrivertrust.org.uk/councilelections2015.

Stella's thoughts on the election

“The turnout was abysmal. Lack of interest? Or the change in the way people were asked to vote, with little publicity? Three years ago, it was all postal. This time it was all online; however, there was very little notice given. A letter with everyone's licence renewal last year would have given everyone time to register. In my opinion both options should be used because many boaters do not have internet access—definitely something for the this new council to consider.

As for the numbers of us who stood, I cannot comment; though I did note the last council had no liveaboards or continuous cruisers. By standing I will bring my experience as a liveaboard continuous cruiser to the Council. I also noted that there are no northern boaters represented on any of advisory groups and although boaters across the country experience the same issues, boating on shallow, narrow canals is not the same as the commercial waterways of the north.

If CRT wonders why boaters feel they are not respected, they only need look at the lack of facilities, an issue right across the system. Slow water taps, elsan points not working—elsan emptying for London boaters is a serious challenge—lack of shower and laundry facilities, which for liveaboards is a nice to have.

Nevertheless, it is up to us, as boaters, to report issues to the relevant waterways office; as we are the ones likely to see things first. Use the emergency number or tweet if it involves a stoppage.

I hope that all boaters feel they can contact me with any issues and I will do my best to help.”

You can contact Stella on stella.ridgway@nabo.org.uk

A Floater in the canal

There is a free newspaper, written and produced by boaters, for boaters, which tries not to pull any punches. It is not a commercial operation. January's edition is out now at issuu.com/peterunderwood/docs/floater_issue_5_february_16



A change of career?

The Maritime Training Academy is now offering a new Diploma in Boatyard and Marina Operations. The course covers all aspects of working in a boatyard or marina from best practices to understanding high-risk operations and the day-to-day responsibilities that an Operations Manager experiences.

Or just getting away from it all in your new boat?

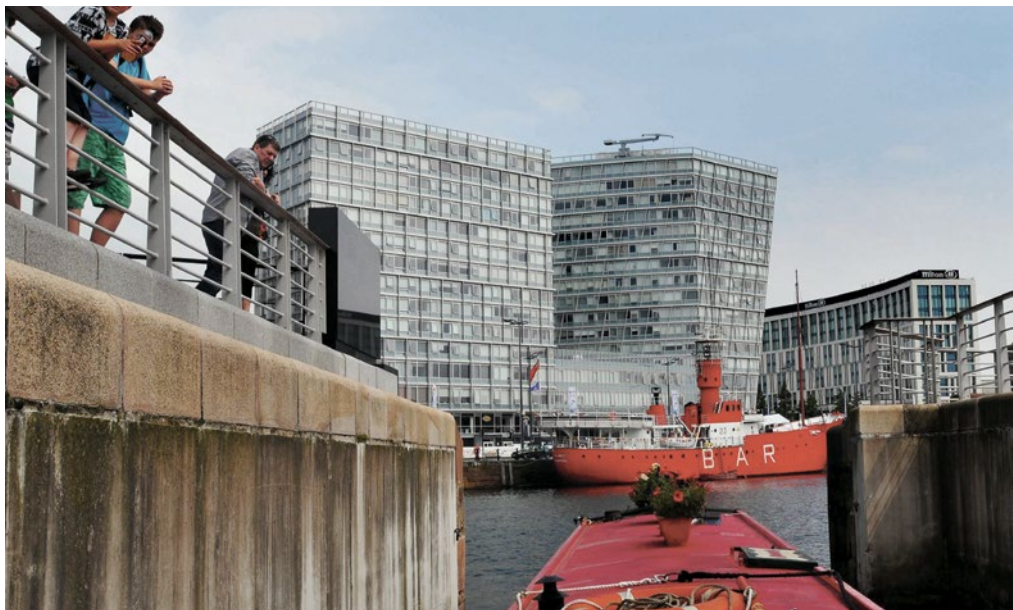
The Academy is also offering a new Diploma in Building Your Own Boat, which covers various boat-building materials, and highlights the skills needed for successful construction of a boat.

Both diplomas start on 1st April 2016 and consist of 10 modules. More information at www.maritimetrainingacademy.com or telephone 01252 732220.

Liverpool link

New procedures mean that up to six boats can now travel each way along the Pier Head Canal Link on every day except Tuesdays giving boaters more flexibility over arrival and departure into Salthouse Dock—the old system had designated 'in' and 'out' days. A popular overnight stop is Bridge 10 at Melling—Holmes Swing Bridge, next to the Bootle Arms—before coming down the Liverpool Link. There are 45 Liverpool Waterfront visitor moorings in Salthouse Dock. At popular times, such as the Mersey River Festival in June, an alternative is to cruise to Eldonian Village on the Leeds & Liverpool, which gives access to the city centre about a mile away. To book a passage down the link in advance, email enquires.northwest@canalriver-trust.org.uk.

Narrowboat Sanserriffe enters Canning half-dock
Photo: Chris Hill



Ghost mooring?

The Waterways Ombudsman investigates a Section 8 case

The latest Waterways Ombudsman annual report contains a number of case studies that relate to mooring issues. Here is an example of one of them taken from the report.

Case No 770: Section 8 notice and continuous cruising requirements.

Mr E lives on his boat. He does have a permanent mooring but he prefers not to use it and instead moors most of the time at the visitor moorings in a nearby town. The Trust was not satisfied that his boat movements were sufficient to satisfy the boat licence conditions. It also had doubts about the home mooring and whether it was genuine, and eventually started to take action under section 8 of the British Waterways Act 1983 on the basis that his boat was moored without lawful authority.

A key issue in this case was whether the rules on continuous cruising applied to those who do have a home mooring when they are away from it. Mr E's view was that the rules for those

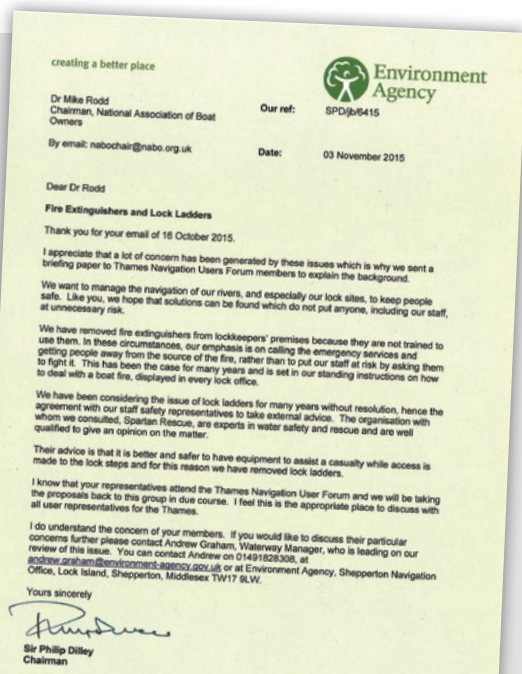
declaring a home mooring, and those not, are fundamentally different. He argued that having a home mooring exempted him from the requirement to continuously cruise, noting that s.17(3)(c)(i) of the British Waterways Act 1995 did not refer to the need to use the vessel for navigation.

If Mr E is correct it could lead to a situation where boaters could obtain a low-cost mooring in one place, perhaps not even intending to visit it, and then stay in a locality of their choice. The Trust's licence conditions refer to mooring only for short periods while cruising, and its view is that if boats do have a home mooring then while they are away cruising there should be a range of movement commensurate with the time they spend away from that mooring. It is not my role to interpret the law or to decide whether the Trust has interpreted the law correctly. I can consider whether it has implemented its own policies correctly. I had no reason to think that it had not, and I did not uphold the complaint.

Silly Dilley—EA changes its mind

Following NABO protests to the (then) Chairman of the EA, Sir Philip Dilley, regarding proposals to remove the portable lock ladders and withdraw the fire extinguishers at all locks on the Thames. NABO is delighted to report that at the meeting of the Thames Navigation Users Forum in January the Waterways Manager, Andrew Graham, advised that there had been a full exercise incorporating all sectors to investigate issues at locks. And, as a result, the heavier ladders would be replaced by lighter versions and there will be little change to the existing fire extinguisher practice... exactly as NABO had recommended.

waterways-ombudsman.org/case-summaries/2014-15-case-summaries/#832



Winter floods

CRT has launched a flood appeal to help restore waterways in the north of England affected by the Christmas floods, which damaged bridges, embankments, towpaths and canal banks.

Where significant engineering works are needed, canals could be closed for several months. Some of the worst damage included the Grade II listed Stainton Aqueduct, partially collapsed as a result of flooding of the river below, and likely to require a substantial rebuild.

About 12 miles of the Rochdale Canal between the Summit and Sowerby Bridge is closed in a number of places, a breach between locks 16 and 17, a landslip between locks 15 and 16, severe damage due to overtopping between locks 11 and 12, and severe river erosion at Whitely Arches. There are also extensive areas of towpath damage, scour and waterway wall collapses, as well as general debris to remove. The flooded River Calder washed away a stretch of canal bank and hundreds of tonnes of soil and trees slid down the hillside and blocked the canal.

The Calder & Hebble and Aire & Calder Navigations have been severely impacted by the partial collapse of Elland Bridge and Crowther Bridge, damage to Elland Lock, the Salterhebble Embankment, Park Nook Lock to Brookfoot Lock, Kirklees Low Lock and breach of the River Calder flood alleviation scheme at Knostrop, Leeds.

At Skipton hundreds of tonnes of stone fell from the cliff below Skipton Castle into the Springs Branch of the Leeds and Liverpool Canal.

Repair work starts

By the end of January, volunteers and CRT staff had moved over 200 tonnes of stone and other materials to fill towpath holes and scours caused by flood waters through Sowerby Bridge, Hebden Bridge and Todmorden. 1½ miles of towpath between locks 7 and 10 had been reopened. The Government is to pay £5m to repair the listed Elland Bridge and a further £500,000 for a temporary footbridge in Elland to help people cross the Calder & Hebble Navigation.





RCR to the rescue



Too much water sinks boats and closes canals! Flooding doesn't usually wash out canals, locks and bridges or sink and strand canal boats. Overflow weirs and lock by-washes can normally manage to get even heavy downpours away. But the December rainfall in Northern England was at least double the monthly average and fell on saturated ground over a short period. River levels rose, some causing severe damage to their structures and, where rivers were navigable, boats were sunk or ripped from moorings to subsequently hit other boats or bridges. Two boats on the River Calder were carried over locks, collided with bridges and sunk.

Many boats on the canals have also been sunk, stranded ashore or damaged. River Canal Rescue has been inundated with calls to help raise and refloat sunken craft and to remove vessels that have been swept onto land. RCR Managing Director, Stephanie Horton, and her rapid response teams have been working since 27th December looking for stricken craft, where possible making them safe and, if they can, notifying owners who may be unaware of their boat's fate. With speed the utmost priority, some craft have already been raised, pumped out, refloated using air-bags and divers, and taken to safety. Others have more complex logistical needs, such as cranes and winches. Broken locks bring with them water level issues and damaged bridges and roads present access difficulties, particularly where flood damage to bridges has caused weight restrictions, both of which hamper recovery and may require approval for remedial works from the Highways Agency. For example, 'Juno' was lifted onto the towpath from its winter mooring near Todmorden Lock. Cranes were booked to lift it back into the water, but the road into the town has collapsed and so recovery is on hold. Boats are jammed at Elland Wharf, will have to be craned out and RCR is working with the Highways Agency and crane companies to resolve the issue.

Find out about the appeal at canalrivertrust.org.uk/donate/flood-appeal/

Yorkshire Devastation

Pictures from top;
Damaged boats and the bridge at Elland Wharf
Juno at Tormoden
Stranded at Park Nook
Sunk boats on the Calder
All photos: RCR

More at rivercanalrescue.blogspot.co.uk/2016/01/too-much-water-sinks-boats-and-closes.html

Mooring tribulations

Adventures of a continuous cruiser

Phil Goulding recounts a recent encounter with CRT's procedures

The start of the email I received towards the end of November last year:

Sent: 11/20/2015 11:55:19 A.M. GMT

Subject: RE: Reminder: Moored up for more than 14 days? Please continue your journey

Dear Mr. X,

You've probably noticed that some parts of the waterways are getting very busy. To make sure everyone has a fair chance of mooring on our canals and rivers it's important that boaters respect the movement requirements and cruise to a new place at least once a fortnight. We've been looking at our sighting records and they suggest that your boat XXXXX has been moored in the same general area for more than 14 days."

With the exception of the round robin communication received earlier in 2015, reminding me of the need to continuously cruise (which is what I thought I had been doing), this was the first such communication I had received having been a continual cruiser for the last six years and a boater for nine.

Apart from my surprise that CRT felt that the waterways 'are getting very busy' in November, I was also surprised to learn that I had 'been moored in the same general area for more than 14 days'. Concerned, I phoned the number given on the email and enquired which sighting records suggested that I had overstayed. The person I spoke to was very pleasant but didn't have the details. I provided information that I had arrived on the mooring (believed to be related to the sightings) on a Thursday at approximately 4.00 pm and had left the mooring at 1.30 pm two Thursdays later. This was initially put down to sighting times coinciding with my arrival and departure times. It was then suggested that I speak to an enforcement officer for further explanation and was put through to someone based in Braunston.

Again this person was very pleasant in their manner. My movement records were looked up on the CRT database and I was told that I had no need to worry as my movements throughout

the year were extensive. I was advised to disregard the email, but why did I receive it in the first place if a quick glance at my records would reveal that I cruised extensively? I tried to pin down exactly why I may have been selected to receive the email. It appeared that the most likely reason related to my not having moved more than one kilometre distance away from my previous mooring. I admitted that I had no knowledge of this ruling and that I had been guided by CRT signage where I had previously been moored. It was suggested that I look up their mooring guidance documents and even look up CRT maps which showed one kilometre markers.

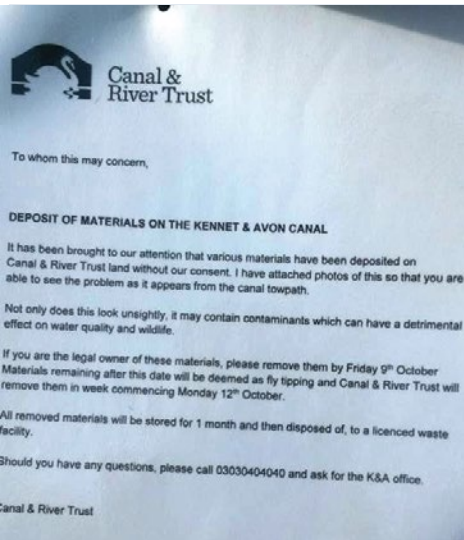
I have since looked at the CRT website and downloaded and printed a number of documents relating to moorings. These include: 1) Mooring policies, 2) Mooring your boat, 3) Mooring rules, 4) Policies for mooring along the banks of canals and rivers, 5) Guidance for boaters without a home mooring and 6) Towpath mooring—Q&As. I was unable to locate canal maps showing kilometre measurements. I have read through these documents trying to gain clarity regarding mooring rules and regulations. Instead of finding the clarity I sought, I have found confusion. I was unable to find reference to a 'general area' in any of the documents. Area is mentioned in relation to 'rural and urban' and suggests that there are differences in distance needed to be travelled within a rural area and an urban area. The terminology used throughout many of the documents is confusing and includes 'place', 'neighbourhood', 'locality', 'mooring', 'mooring zone', 'stretch', 'designated stretch', 'short stretch'. Instead of using the above list of names it would be better to use just one. The law requires that stops during (such) cruising should not be 'in any one place for more than 14 days' (5). 'Place' should be defined across the whole of the inland waterways network with boundaries clearly defined. Nowhere could I find a definition of 'place', nor was I able to find a reference to being required to move a minimum of one kilometre

in any of the documents above; indeed 'It is not possible (nor appropriate) to specify distances that need to be travelled' (5). In all my travels, I have never seen any kilometre markers on the canal bank. Are they being introduced? If not, what is their relevance?

CRT signage in the place that I had moved from on the Tring Summit is misleading. The CRT sign indicated that a boat could stay for only 14 days in a calendar year, and also stated that the boundary to this place/location/neighbourhood is a named lock almost three miles from the sign. I could not relate this to the need to move a kilometre. One could believe that a new place/location/neighbourhood should start beyond that lock, but this does not appear to be so.

In summary, for the last six years I have been happily travelling extensively around the country minding my own business. I am now confused as to why I came to CRT's notice. Furthermore, I now understand that it may be difficult for some boaters to comply with CRT's guidance when so many vague terms are used.

Interestingly, since putting this article together I have been advised of another boater who, having been given permission to overstay for some hospital treatment, also subsequently received a similar email regarding overstaying. Again, it was happily resolved with a phone call, but many boaters are perhaps less confident in dealing with authority and may feel more intimidated.



Where's my bike?

This letter was attached to two bikes on the Kennet and Avon. It may be assumed that the bikes belonged to boaters but this is by no means obvious. An example of over-zealous enforcement by CRT or something more sinister? Whichever, a few weeks later volunteers accompanied by contractors Fountains went along the canal with a workboat on loan from CRT, seizing goods and possessions, often ignoring obviously fly-tipped rubbish. One disabled boater in Bathampton had their bike trailer taken and removed to Devizes, 20 miles away.

The volunteers got as far as Dundas, around 3 miles from their start in Bathampton, before they were stopped in their tracks by K&A manager Mark Evans who has assured boaters their possessions will be returned and has promised to look into the matter.



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Remove your vessel...

CRT's legal powers to move and remove boats

Stephen Peters explains what the Trust can and cannot do.

NABO is frequently asked what powers CRT has to serve notices and to move a boat on its waterways. Here we set out the various pieces of legislation that CRT may use to have boats moved or removed from its waterways.

British Waterways Act 1983

Section 8 is the 'famous' part of this Act, here it is in context but first, Section 7 deals with unsafe vessels:

(2) (a) *An officer may at any reasonable time enter upon any vessel on any inland waterway or on any reservoir owned or managed by CRT for the purpose of inspecting the condition of the vessel so as to ascertain whether the vessel is unsafe.*

(b) *An officer shall not enter upon any vessel in accordance with this subsection unless –*

(i) *not less than 24 hours' notice of such entry has been given to the master of the vessel; or*

(ii) *the officer has reason to believe that the vessel may be unsafe and that an immediate inspection is required.*

Apart from the recent license terms and conditions with their disputed assertion that an officer may board a vessel, these are the only legal grounds for CRT to board a vessel. The officer may then issue a notice; *containing details of the defects and of the measures required to remedy them.* Or require the vessel to be moved. Once this notice is issued;

(4) (a) *Any person who without reasonable excuse –*

(i) *moves or uses a vessel in respect*

of which a notice has been given under subsection (3) of this section while the notice is in force otherwise than in accordance with any requirement of the notice or with the consent, or under the direction of an officer; or

(ii) *fails to move the vessel if so required by the notice;*

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

Note this applies to unsafe vessels. CRT may also take steps;

(5) *Where a notice given under subsection (3) is in force, CRT may at any time move the vessel or take such other steps to remove or abate any source of danger on board or arising from the vessel.*

If... *it appears to CRT that the defects specified in the notice have not been remedied, or that adequate arrangements for their being remedied are unlikely to be made within a reasonable time, CRT may give to the owner 21 days' notice it proposes to deal with the vessel as a craft which is left without lawful authority under section 8 of this Act.*

Right of appeal against this notice, or its subsequent actions are dealt with in section 7(7);

(7) *Any person aggrieved by a notice under subsection (3) or by the refusal of CRT to issue a certificate stating that the vessel is no longer unsafe, may appeal to a magistrates' court; and the court may confirm, vary or set aside the notice and may order CRT to issue a certificate under subsection (3) stating that the vessel is no longer unsafe.*

CRT can't proceed while this appeal is underway and the owner can

We have summarised the main points of the legislation but it's by no means to be taken as legal advice and is merely our understanding of the legislation. We have abridged the legislation slightly and where the original makes reference to predecessor bodies we have changed the wording to CRT where appropriate.

The full text of the Acts can be found ;

British Waterways Act 1983

legislation.gov.uk/ukla/1983/2/contents/enacted

British Waterways Act 1995

legislation.gov.uk/ukla/1995/1/enacted

General Canal Byelaws 1965

britishwaterways.co.uk/media/documents/foi/legal/BW_General_Canal_Bye-laws.pdf

appeal at any time until the Section 8 is acted upon.

And so to Section 8,...

...which deals with removal of vessels

(1) *In this section –*

‘relevant craft’ means any vessel which is sunk, stranded or abandoned in any inland waterway or reservoir owned or managed by CRT or which is left or moored therein without lawful authority and includes any part of such vessel.

“or moored therein without lawful authority” was the addition to the original intention of the 1972 Waterways Act where this clause was to give BW the right to remove what we would consider to be a ‘wreck’.

(2) *CRT may remove any relevant craft after giving not less than 28 days’ notice to the owner of the relevant craft, stating the effect of this section.*

Yes, that’s it, the paragraph that strikes fear in every boat owner who receives it. The section lays out exactly what CRT can do with the vessel and how it can recover money. More importantly it is also imposes limits as to what CRT cannot do, for instance dispose of the vessel to recover licence debts.

(3) *All expenses incurred by CRT in –*

(a) *the removal, storage or destruction of the relevant craft;*

(b) *the removal or storage of any furniture, tackle and apparel of the relevant craft, or any cargo, goods, chattels and effects on board the relevant craft; or*

(c) *marking, watching, buoying or otherwise controlling the relevant craft;*

- may be recovered by CRT from the owner of the relevant craft.

(4) *If within six weeks of its removal by CRT any relevant craft*

cannot be proved to the reasonable satisfaction of CRT to belong to any claimant, it shall, together with any furniture, tackle and apparel and any cargo, goods, chattels and effects on board, vest with CRT;

Provided that, if within twelve months of its removal a claim to the relevant craft is made by a person who subsequently proves that he is the owner thereof, CRT shall, if the relevant craft is unsold, permit the owner to retake it with any furniture, tackle, apparel, cargo, goods, chattels and effects on board upon payment of the expenses referred to in subsection (3) of this section or, if the relevant craft and effects have been sold, CRT shall pay to such owner the amount of the proceeds of such sale after deducting the said expenses, and in case such proceeds shall be insufficient to reimburse CRT such expenses the deficiency may be recovered by CRT.

In summary, if the owner can’t be found after 6 weeks, CRT gains ownership but the owner has 12 months to reclaim the boat, provided they pay CRT’s expenses for the removal and storage. It has never been legally established what is a reasonable level for these expenses and recent cases have seen CRT moving boats far from where they were seized.

And of course...

(5) *Notwithstanding the provisions of this section CRT may at any time move without notice a relevant craft if it be an obstruction or a source of danger.*

Which can be, and has been, used to move overstaying boats from service points and visitor moorings. But note there is no provision for CRT to recover its costs for this.

Section 17 deals with the way these Notices must be served. ie

All notices authorised or required to be served on any person by or under this Act shall be in writing ... and

... by delivering it to the person upon whom it is to be served or by leaving it at his proper address or by sending it by post to him at that address ...or. ... if the name and address of the person upon whom the notice is to be served cannot after reasonable inquiry be ascertained, by exhibiting it in a conspicuous position on or near the vessel.

For those continuous cruisers who use an accommodation address; If a person to be served by virtue of this Act with any notice by CRT has specified an address within the United Kingdom other than his proper address as the one at which he or someone on his behalf will accept documents of the same kind as that document, that address shall also be treated as his proper address

British Waterways Act 1995

Section 17 established the conditions under which CRT must issue certificates and licences

'insurance policy' means an insurance policy complying with Part I of Schedule 2 to this Act;

The insurance demanded is Third Party only and CRT sets the amount of the cover required—currently a minimum of £2 million.

'licence' means a licence issued by CRT in respect of any vessel allowing the use of the vessel on any inland waterways;

'pleasure boat certificate' means a pleasure boat certificate issued under the Act of 1971;

In modern CRT parlance this is a 'Rivers Only Licence'

'relevant consent' means a houseboat certificate, a licence or a pleasure boat certificate; and

'standards' means standards for the construction and equipment of vessels or in other words a BSS certificate or RCD.

So coming swiftly to the nub;

(3) Notwithstanding anything in

any enactment but subject to subsection (7) below, CRT may refuse a relevant consent in respect of any vessel unless –

(a) the applicant for the relevant consent satisfies CRT that the vessel complies with the standards applicable to that vessel;

(b) an insurance policy is in force in respect of the vessel and a copy of the policy, or evidence that it exists and is in force, has been produced to CRT; and

(c) either –

(i) CRT is satisfied that a mooring or other place where the vessel can reasonably be kept and may lawfully be left will be available for the vessel, whether on an inland waterway or elsewhere; or

(ii) the applicant for the relevant consent satisfies CRT that the vessel to which the application relates will be used *bona fide* for navigation throughout the period for which the consent is valid without remaining continuously in any one place for more than 14 days or such longer period as is reasonable in the circumstances.

The Act does not define "*bona fide navigation*" or "*place*" both of which can be found in other contexts apparently sufficiently ambiguous as to lead to 20 years or more of argument. Nowhere does it use the term "*continuous cruising*". conjuring, as it does, an image of the Flying Dutchman.

Section 4 gives remedies, should Section 3 be breached during the time of the '*consent*';

(4)(a) (subject to subsection (6) below) the vessel does not comply with the standards applicable to the vessel on the date when the consent was granted; or

(b) an insurance policy is not in force in respect of the vessel; or

(c) either –

(i) (in the case of a vessel in re-

spect of which a relevant consent is issued pursuant to subsection (3)(c) (i) above) it appears to CRT that a mooring or other place such as is referred to in subsection (3)(c)(i) above is not available for the vessel: or

(ii) (in the case of a vessel in respect of which a relevant consent is issued pursuant to subsection (3)(c) (ii) above) the vessel has not in fact been used bona fide for navigation in accordance with the said subsection (3)(c)(ii);

CRT may give notice requiring the holder of the relevant consent to remedy the default within such time as may be reasonable (not being less than 28 days).

So, if CRT is not satisfied at any point in the licence period, it can give 28 days notice to remedy it and then;

(5) If the holder of the relevant consent does not comply with any notice served pursuant to subsection (4) above then the relevant consent shall determine on the date the notice expires.

At which point CRT may take action under Section 8 of the 1983 Act if it deems the vessel to be on its waterways “without lawful authority”.

You can take your boat to the boatyard for repair to meet the BSS ... *CRT shall not withhold their consent under this subsection to the movement or use of a vessel for the purpose of taking it to a place where it may be repaired or modified so as to comply with the standards applicable to it, or for the purpose of taking the vessel to be destroyed, unless such movement or use would give rise to the risk of obstruction or danger to navigation or to persons or property.*

CRT has powers in Section 7 of the 1983 Act to control unsafe vessels;

(c) Nothing in this section shall affect the operation of section 7

(Control of unsafe vessels) of the Act of 1983.

Section 18 Obstruction by vessels

(1) No person shall moor or otherwise leave a vessel on an inland waterway so as to cause obstruction or hindrance to navigation or to the free passage of persons or vehicles along the towing path beside an inland waterway.

(2) Any person who without reasonable excuse contravenes subsection (1) above in such a way as to cause, or give rise to the risk of, injury to any person or damage to property shall be guilty of an offence and liable on conviction to a fine not exceeding £1,000.

(3) Any vessel moored in contravention of subsection (1) above shall be deemed to be a relevant craft for the purpose of Section 8 of the Act of 1983.

CRT may take action under Section 8 of the 1983 Act if it deems the vessel to be causing an obstruction.

Section 19

Allows the removal of vessels to permit works with the proviso that it must be returned afterwards. CRT will not take action to remove the vessel under Section 8 of the 1983 Act as this subsection of the 1995 Act makes it clear that the vessel shall not be deemed to be moored “without lawful authority”.

General Canal Byelaws 1965 and Byelaws of the Gloucester & Sharpness Canal and River Severn 1962

The CRT Byelaws regulate the use of vessels on the waterways and contravention may result in a fine being imposed in the magistrates’ court. The byelaws do not give CRT any powers to move or remove vessels.

Rewind 15 years

Tony Haynes continues his look back through NABO News December 2000

AGM poorly attended: The NABO AGM was held in Leeds. Many travelled a long way from the south to attend, but few from the north did, as a letter writer (from the north) pointed out.

Cyclists: In her chairman's report, Sue Burchett states that BW has broken every byelaw in the book on cycling. Its rules say no organised cycling and it has allowed races. All bikes on the towpath should have licences but BW is not prepared to enforce this. 'I believe that it is unfair to expect only boaters and anglers to pay for the canals,' she says.

Look on the bright side: Membership Secretary, Roger Davis, summarises recent correspondence to NN. He states, "If those who feel affronted or in some way hurt by navigation authorities are the ones who feel moved to write then that is what the rest of us will end up reading. On the other hand, if we are generally content with, or on balance accepting of the limitations of living in an imperfect waterways world, then we probably won't get around to putting pen to paper." Hence our letters columns make us appear to be a whinging lot.

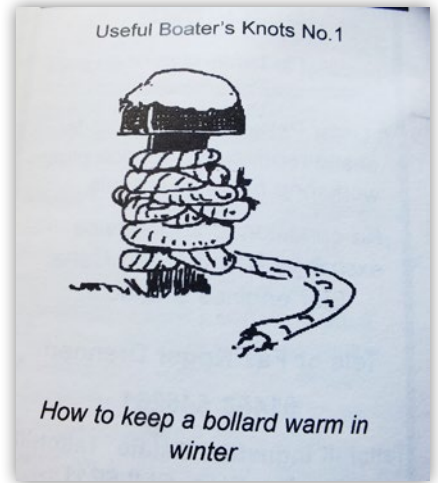
Detective work: NABO embarks on a collaborative venture with Dicon Safety Products to test a number of smoke and carbon monoxide detectors aboard. The provision of detectors and alarms is not included in the BSS. NABO takes the view that the merits of installation should be left to individual boat owners to decide for themselves. Members will recall that a number of fatalities have occurred during 2000.

Exhausted: A proposed amendment to the Recreational Craft Directive would restrict exhaust and noise emissions for inboard and outboard engines. This must be retroactive, particularly with regard to the replacement of old engines. NABO

and all other inland boating user groups are fighting this legislation but the RYA has welcomed it because it means that noisy and smelly old canal boat engines will be banned, writes Stephen Peters.

Emails: For the first time NABO Council members are given their own @nabo.org.uk email addresses, thanks to Mike Wooding and Stuart Sampson. Many members of Council are keen to use email between themselves as well as welcoming messages from members and others. Hopefully, this will speed up communication, save a few trees, and perhaps even shorten Council meetings.

Boating for All?: A member who is dismayed by the stress and expense of the BSS says: "I am now 71 and disabled too. I will write to BW's chairman to complain and ask him what happened to 'The Boating for All' scheme. Also, what about a discount for OAPs and disabled boaters? I will let you know the results", he says!



NABO News crossword 27

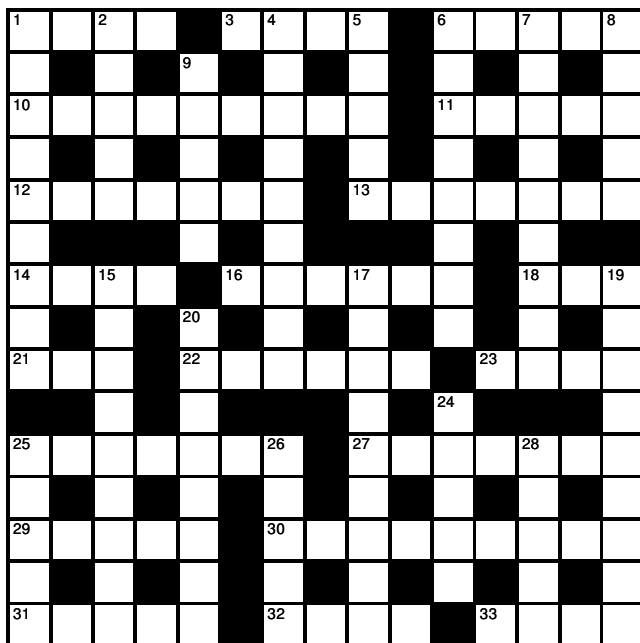
By **Canaldrifter****I name this boat ...**

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 Helen Hutt.

Answers to Crossword 26

Across: 1 Exercises, 6 Slip, 8 Arc, 9 Hertford, 10 Estimate, 11 Catnip, 13 Synthesiser, 17 Sheet, 19 Hatches, 21 Tie up, 23 Killing time, 26 Impact, 28 Nautilus, 31 Adriatic, 32 Lam, 33 Tyne, 34 Braunston.

Down: 1 Erewash, 2 Eaten, 3 Choppy, 4 Side, 5 Salt, 6 Scampi, 7 Poseur, 12 Isthmi, 14 Huh, 15 System, 16 Shoe, 18 Evil, 20 Tug, 22 Uction, 23 Kennet, 24 Little, 25 Micron, 27 Plant, 29 Limb, 30 Saga.

**Across**

- 1 Save piles (4)
- 3 Sees holes in sails (4)
- 6 Sinking cutter? (5)
- 10 Duck loses tail in a quest around bridges! (9)
- 11 Learner out in port, necks around (5)
- 12 Small bird confused by lit tube (4,3)
- 13 See friend run back for notebooks? (7)
- 14 Cross canal and come ashore (4)
- 16 Fifty in consumables breaks 1 across (6)
- 18 Make an acquaintance back in 13 (3)
- 21 Was seen back on the cut? (3)
- 22 Tailor leaves wrong calibrations aboard (6)
- 23 God goes astern on canal (4)
- 25 Embarked for B&B? (7)
- 27 Arrives with pounds (7)
- 29 A light thwart across! (5)
- 30 Apiarist gongoozlers, we hear? (9)
- 31 Put an insect in charge for a prank? (5)
- 32 Information gathering aboard, in small doses! (4)
- 33 Will happen (2,2)

Down

- 1 American birds cause cruiser costs? (9)
- 2 Take a Guru anywhere back across a small pacific island (5)
- 4 Boating organisation, but not Nabo! (5,4)
- 5 String that fits anywhere we hear? (5)
- 6 Royal Mail under one roof? (4,4)
- 7 Spontaneous rascal has a fun time with you in France (9)
- 8 Greases mostly (5)
- 9 Tunnels across the road it seems (5)
- 15 Recent point at a short gentleman who sells papers (9)
- 17 Have a royal yacht wreck to perish now! (9)
- 19 Server in a spin! (4,5)
- 20 Don is a bounder teasing mice (8)
- 24 Measure the hawser (5)
- 25 Hindu God a witch to a degree? (5)
- 26 Gambles badly with five hundred and has dues (5)
- 28 Rolls that hold masts? (5)

Letters to the Editor

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

CRT Legal Expenses

I have recently discovered that during the year November 2014 to November 2015, CRT has paid Shoosmiths, their solicitors, the best part of half a million pounds. I was shocked. This really begs certain questions:

- 1 How much of this was spent on court cases against individual boaters?
- 2 How much was retrieved in the way of costs awarded?
- 3 Irrespective of the above, how much of the costs was actually received or is expected to be received?

I find it astonishing in these times of straitened circumstances, where CRT is desperate to increase its income, that such a large sum should be spent on solicitors. I wonder if the Trustees, with their part-time attendance, are even aware of this and I very much doubt that the Council, which only meets twice a year, has any idea at all. I have discussed this with our legal advisers and they question whether spending such large amounts against non-rewarding individual boaters constitutes an appropriate use of Trust funds. Mike Rodd will be taking up these issues at his meeting in January with CRT's Mike Grimes, asking for a response to the above questions. I will publish the answers in NABO News in due course.

Geoffrey Rogerson

Take care everyone

I fell in on Friday evening between my boat and the metal pilings at my mooring. Pitch black and freezing cold. I couldn't get out and panicked. I started to sink into the silt and thought that was it. After about five minutes of sheer panic I stopped moving and got my breath back. I kept still for about ten minutes to gather my thoughts. I then moved to the back end of the boat where it is lower and managed to drag myself out. I've only just stopped shaking. I genuinely thought my time was up. I lost my glasses, had no idea

what to do for the best. I couldn't understand what happened. I always thought I would know what to do in this situation and had 'a plan' if it happened. It all went out of the window. I'm reasonably fit for a sixty-year-old and never even thought I'd have a problem pulling myself out easily. Twenty minutes in the freezing cold water with no one around made my 'plan' useless. Horrendous experience, but I have learnt one lesson and that's not to get complacent getting on and off my boat. It can be a question of life or death every time we do it. Sounds dramatic and I don't mean to big my situation up but it's how I feel at the moment. I wonder how many of us take our everyday movements for granted. I certainly don't now.

Name supplied, taken from a canal blog



Photo: Barry Witts

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