



NABO News

The Magazine of the National Association of Boat Owners
Issue 1 February 2021

BSS FINANCES

**A VIEW OVER TIME OF THE
RIVER NENE**

**NABO'S RESPONSE TO CRT
ON LICENCE T&CS**



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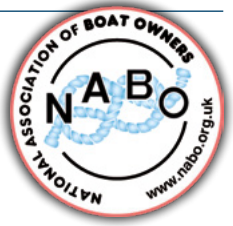


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Contents

- 4 Editorial
- 5 In the Chair
- 7 Fly on the wall
- 8 Peter Brayley: New Council member
- 9 Vaccinations and lockdown
- 10 Around the Regions
- 12 The waterways and 'building back better'
- 13 2021 Census, Waterways Ombudsman
- 14 NABO's response to CRT's consultation on licence terms and conditions
- 18 Does it make sense?
- 21 CRT news
- 22 BSS finances
- 24 Sustainable propulsion, Solid fuel stoves
- 25 Old Bore's Almanac 2021
- 26 Boating: Time and the River Nene
- 28 Waterways chaplaincy
- 29 Alternative materials for lock gates
- 20 Rewind: Issue No 5, 2005
- 31 Letters

Next NABO News copy date

Articles, letters, cartoons and photos are most welcome. Images in JPEG format please. Please email your contributions to nabonews@nabo.org.uk or post to the Editor by March 20th 2021.

Cover photo

This month's photo is by Simon Godfrey from Unsplash.

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Despite it being midwinter with a national lockdown in place – or on reflection, perhaps because of this – I've received a bountiful crop of contributions for this issue.

Clearly, people are thinking about boating even though they are unable to do so. Which raises the question of why has boating been suspended, when being on a moving boat is one of the safest places to be in a pandemic? And if navigation authorities consider fishing to be a legitimate form of exercise, why do they think

Lockdown blues

Editor **Peter Fellows** has spotted inconsistencies in the way that boaters are being treated



Photo: Darren Venables

that boating isn't? If any of the senior managers who make such decisions had tried to ascend flights of locks on the Rochdale or Huddersfield Narrow – or, for that matter, battled stiff paddles and unyielding gates across the system – they would know that boating certainly is exercise. Instead, liveaboards are forced to moor up, alongside crowded towpaths in some areas, as visitors respond to CRT's exhortations to exercise by the waterways.

Staying with liveaboards, there's some advice in the news section on how to get a Covid jab and how to prepare for the upcoming census. NABO's response to the CRT consultation on terms and conditions is included in full, together with Councillors' comments on the readability of CRT's documentation. These are detailed and technical, but worth reading in full to see how CRT is again attempting to seek powers to which it is not entitled under the Waterways Acts.

To balance things up a little, Paul Monahan consults the Old Bore's Almanac to see what's in store for us this coming year. David Fletcher lifts the lid on BSS finances and Anne Husar describes the changes that she saw to the River Nene after five years away. Waterway organisations continue to meet by Zoom and Helen Hutt reports on meeting of CRT Council and the All Party Parliamentary Group for the Waterways. New Council member, Peter Braley, introduces himself and has also sent us his first regional report. There are also regional reports from Howard Anguish and Mike Rodd, and Peter Braybrook describes the sterling work of the Waterways Chaplaincy. Hopefully, by the next issue in April, there may be better news to report about lifted restrictions, so that we can all enjoy some Spring boating.



Well, at least we did have some time, pre-Christmas, to get out on our boats before the next full lockdown took over.

Ours being down in South Wales means that we are continually caught by the infuriating Cardiff Assembly trying to prove its manhood by doing something slightly different from Westminster—with really silly results for us who live in one area but boat in the other! Of course, we all know how serious all this is, so we just hope that the vaccine will mean that we will soon see a sensible way ahead for all of us.

I would like to start by saying how wonderful it is to see the many new faces on your Council—not just the people who are new to NABO's Council, but also those who are already very active within the organisation. This allows us to do even more as a prime representative for all boaters. And that is so important right at this moment—with CRT currently undertaking two important 'so-called' consultations. 'So-called' because so often they seem to be mere formalities, with CRT having pretty well decided the way ahead, but needing to be seen to take user suggestions on board. In this issue, you will see details regarding the extensive work in preparing our submissions, outlining our major concerns about many aspects of recent consultations. They will have impacts on all of us, so please do read our submissions, as well as our comments on readability.

Also at this time, we are fully aware of the massive changes taking place within the sector of the EA that is responsible for managing its navigational responsibilities—starting with the people involved being moved into different areas of the EA itself. Many of the personnel have changed and the whole thrust ap-

pears to be towards making this part of the EA far more financially independent of government funding and hence more attractive, in order to facilitate an eventual move into CRT.

One particular aspect of the EA's changes that deeply concerns us is its decision to retain an external private operator to manage and—where necessary—enforce all their time-limited moorings on the non-tidal Thames. Awarding this contract to a car parking organisation (whose

A time of change

From navigation authorities to electric boating, **Mike Rodd** sees a busy year ahead for NABO

income will be largely dependent on the funding that it generates from 'fines' for overstaying) is very worrying—especially as CRT has already made some small moves in the same direction. One can see that if the EA's approach to this outsourcing of one of its fundamental responsibilities is found to be effective (at least from the EA's financial point of view) then the approach could well be adopted elsewhere. From a boater's perspective, the consequences are horrendous. On the non-tidal Thames, when you arrive at any of the EA's time-limited moorings and intend to stay, even for less than the allowable 24 hours, you have to email or phone in your arrival time, plus information about you and your boat. If you overstay, a charge of £150 is demanded—and if this is not paid, you are threatened that your boat will be taken away and sold! Much of this is not only contrary to the relevant Waterways Acts but is also probably illegal. Together with other boating organisations, and with legal advice from the Royal Yachting Association, NABO has expressed its deep concerns—but up

until now we are all being totally ignored by the EA.

What is particularly notable about both the CRT consultations and the recent action by the EA, is how we, like most boater representative organisations (with one notable exception?), are being ignored by the boating authorities—despite continually asking to be involved at the earliest stages. In the case of the work on CRT's Terms and Conditions, we are actually supportive of some of the proposed changes; had CRT spoken quietly to us before going out publicly, we could have helped to make the changes both more acceptable and also, quite frankly, far better written! The work we have done on the readability of the T&Cs is very revealing—in that the documents produced by CRT are highly unreadable (in terms of applying various well-recognised readability tools) and generally poorly written. Also, sections have evidently been written by folk who have never been near a canal or a boat!

In an era when both CRT and the EA will necessarily be looking for continuing government funding, surely they need supportive and committed friends like never before?

I am so pleased that one of our council newbies, John Devonald, has agreed to take on a particular new role for us: looking in detail at the possible future introduction of non-diesel-based boats. It is clear that governments around the world are, rightly, increasingly committed to the reduction in the use of fossil fuels, and inland waterways boats are a nice, easy target—especially if you live near a canal and have to put up with nasty smelly boats. We see this in parts of London, for example, where the Mayor has made it clear that he is going to “sort out” this (alleged) problem! So we are likely to see demands similar to those being

introduced for road vehicles, and we will be forced to move towards electric-based boats. But such a change would be even more challenging than with cars—especially as we use diesel not just for powering the engine but also for charging our batteries and keeping us warm and fed. Additionally, the essential batteries needed for such a change are not yet available, and neither solar nor wind power is ever going to be a major contributor. It is thus essential that NABO keeps on top of these developments and remains in a position to provide professional guidance to both its members and all interested (and in many cases, highly ill-informed) organisations.

BSS and the increase in electric consumption

Alongside this, it is also vital for NABO to ensure that the valuable and successful Boat Safety Scheme is fit to meet the challenge of increasing exploitation of electrical systems on our boats.

One of the serious issues here is that, as these systems become more complex and high-powered, the inspection regimes will necessarily have to change. However, ensuring that this is possible without incurring large costs for boat owners is going to be very tricky. An electrical inspection on a house has to be done by someone with the appropriate electrical qualifications; will our BSS inspectors soon have to be, likewise, fully qualified electrically? And, indeed, are the present BSS requirements themselves fit for purpose?

So, we face a very full few years ahead for NABO, in a rapidly changing world—even though all we (and indeed most boaters) want to do is just to get out on our boats and quietly cruise along our wonderful waterways. I hope this will soon be possible, for all our sakes.

Fly on the wall

Observes proceedings at the January Council meeting

The first meeting of the year kicked off with the newly expanded Council attending by teleconference. NABO's response to CRT's proposals to revise its terms and conditions was first on the agenda.

NABO's stance has generated positive comments by boaters on social media—all good PR for the Association and even prompting some to become members. But many boaters think that T&Cs are boring—even more so with NABO's comments on GDPR. Most boaters either don't think they're important or don't know what they are.

Then onto a discussion of NABO's submission to CRT's consultation on congestion in London: it seems that the consultation meetings were poorly attended by boaters, with only a handful taking part in each telephone meeting. Not much seems to have resulted so far and it all seemed very wishy-washy. Maybe boaters will see mooring zones and different (chargeable) stay times?

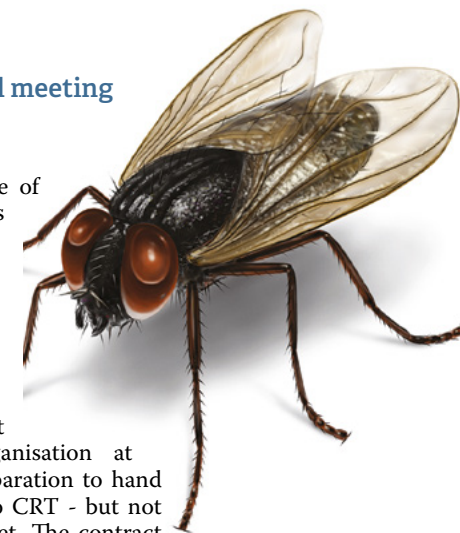
The promised outcomes from the 2018 London strategy have not materialised, held up by lack of cash and difficulties with planning permissions. Hire companies do not allow hirers to go into London because there's nowhere for them to moor – and even Tim and Pru had to travel late into the evening with their film crew before they could find somewhere not very nice to moor. Council members recognised that CRT has a problem, but there are no obvious solutions. It's not just problems for boaters who have to moor up three or four abreast, but

residents in some of the posher areas are complaining that they don't like to look out on 'scruffy boats with smoky stoves'.

Council members think that the huge reorganisation at the EA is in preparation to hand over its waters to CRT - but not for a few years yet. The contract for mooring management on the Thames continues to attract severe criticism. If boaters don't let District Enforcement (DE) know when they arrive at a mooring, they will be assumed to have overstayed and will be fined £150 per day. There are also questions about how DE stores boaters' details. Legal advice is that this is all probably against the law, but the EA is taking no notice.

The latest Covid lockdown is causing problems for some boaters. CRT claims to have attracted people to exercise on the towpaths, with a 300% increase in visitors. CRT thinks this is a success, but it is alienating some liveaboards. Visitors are ignoring CRT signs saying don't get close to moored boats, and some boaters have put quarantine tape across the towpath to make visitors use an alternative route past their boats. Councillors wondered what CRT's response will be when boaters have to wait in an area for three months between their first and second Covid jabs.

Byeee from the bleak midwinter until hopefully a better Spring



Council meetings are normally held at boat clubs in the Midlands area. However, with COVID-19 they will be held by teleconference until the Council is able to meet again face-to-face.

Members are welcome to join in the teleconferences; please just let the Secretary or Chair know in advance (contact details inside cover).

The dates for Council meetings in 2021 are: March 13th, April 24th, June 19th, September 4th, October 9th and November 13th (includes AGM).

Membership Matters

New Council member Peter Braley



I'm living aboard my narrowboat, with my long suffering partner Tracey, at Nottingham Castle Marina. I work as an HGV driver, driving a car transporter, delivering cars all around the country, which unfortunately entails me being away Monday to Friday/Saturday most weeks of the year. Tracey works as a specialised nursing care practitioner at the local hospital.

My first introduction to inland waterway life was when I bought a house that backed onto the Erewash Canal at Sandiacre, Derbyshire. A number of summers were spent waving at narrowboats crews as they passed the bottom of our garden.

Then, on a chance visit to Sawley Marina, my then wife spotted a 23 ft Springer for sale. She fell in love with the boat and decided to buy it. My interests were sports cars, motorcycles and motor racing, but I was willing to go along with the idea as long as it didn't cost too much money or time.

Oh how little I knew! We were totally naive and bought it without a survey. I refitted the galley and shower room, and serviced a rather temperamental outboard. When it came to selling, we realised from a prospective buyer's survey that we'd spent the previous three years blithely motoring up and down the Trent and Soar in what turned out to be a potential colander!

Having parted company with my wife and having rather enjoyed my introduction to boating life, I decided to have a look at boat ownership myself. This time with the aim of living aboard, although by now I was

well versed in the reality that this is not necessarily a cheap option.

My first boat 'Pheobe' was a Liverpool Boats 45ft cruiser-stern narrowboat - clean and very well presented and, after a full survey, as sound as she looked. She also came with the possibility of a mooring at Nottingham Castle Marina, so I decided to stay. That was in October 2014 and I have been here since. Most of my boating is on the Trent and Soar, venturing as far as Lincoln and Market Harborough, and also the full length of the Erewash to Langley Mill.

The recent refit of our current boat, 'Jack O'Legs', (a CNM-built 58ft semi-trad) at Kingswinford last winter, meant a round trip that took us onto the River Severn and through Birmingham, when floods and Covid restrictions allowed.

I became a member of NABO in 2015, as a means of finding out a bit more about life on the waterways, and because NABO appeared to be the only organisation dedicated to representing the interests of all private boat owners and their right to navigate unhindered - and to hold to account the navigation authorities in their duty to uphold those rights.

I was also impressed by the recognition NABO has gained with the major navigation authorities by being a constructive but independent critic of their work. Having attended a number of AGMs, I was asked to become the representative for the East Midlands and River Trent area, to act as eyes and ears for the NABO Council and to report back any local issues affecting boaters in this area.



Vaccinations and medical support

If you are a continuous cruiser and concerned about accessing a Covid vaccination, contact a doctor's surgery and ask for advice. Covid testing and vaccinations are free with no restrictions. If a surgery doesn't want to register you as a temporary patient for general medical support, show them this card.

We will shortly have a supply of these cards, so if you would like one to carry with you and you have access to the post, please email gensec@nabo.org.uk and we will send one to you.

Lockdown guidance

Following the Government's announcement on 4th January of a national lockdown for England, the EA issued the following updated guidance for boaters:

- All navigation on EA waterways should be limited to essential travel only.
- Travel on waterways and overnight stays are only permitted where the boat is your permanent residence or it is necessary for work, education or similar reasons. Those who live aboard should limit their travel to access essential services and facilities. Some activities using unpowered boats are permitted as part of daily exercise, limited to once a day and within the Government guidance for exercise.
- There will be no assisted passage on the River Thames and all locks will remain on public power. Teddington Lock has special arrangements in place.
- There will be no charge or time limit at any EA moorings.
- There will be no charge for pump-outs.
- The cleaning contract for public toilets is ex-



Anyone can register with a GP surgery. You do not need proof of address or immigration status.

You might be able to register with a GP surgery that's not in the area where you live. There is further information at www.nhs.uk/nhs-services/gps/registering-with-a-gp-outside-your-area.

tended until the end of March so that they can remain open. At sites that are not included in the contract, the toilets will remain closed.

■ There will be no cash handling at any EA sites. Updated information is available at www.gov.uk/government/organisations/environment-agency.

CRT reported: the rules and the impact on boating are largely the same as for the first lockdown last year. All navigation in England and Wales should be limited to essential use only. If you are not occupying your boat you should not take overnight stays on it during this period. Those living aboard are advised to move only a minimal amount to access essential facilities or services. CRT will keep all its facilities open, but there might be closer private facilities that will reduce the distance you need to travel. If an essential journey requires passage through a staffed structure you will need to book well in advance to ensure CRT can facilitate passage. The requirement to move every 14 days is suspended until the restrictions come to an end. If you are self-isolating and don't have any support networks, contact your local boat licence support team.

East Midlands

Peter Brayley



With Government's instructions on daily exercise and CRT's desire that that exercise should take place on the towpaths, they certainly appear to be very busy with runners and cyclists, as well as the usual walkers, at least in my Nottingham area of the canal.

In this lockdown, there does appear to be a little more tolerance between local canal moorers and the general public, but it is a pity that the signs CRT has put up, reminding people to keep their distance from moored boats, aren't larger and more frequently placed. The same could also be said of the signs reminding cyclists of their duty to slow down.

There are plenty of paddle boarders and canoeists about, especially at weekends; mainly students I believe, wanting to relieve the boredom of their lockdown. Fortunately the scourge of the eScooter appears not to have descended on the local towpaths, despite the eScooter company, Wind, operating in both Nottingham and Derby since October. I believe each scooter has a tracking device that prevents it being operated in an area deemed unlawful, which thankfully appears to include canal towpaths. There also appears to be little increase in angling hereabouts, despite the Government's declaration that fishing is an official form of exercise.

River levels are high but that's par for the course at this time of year. So even if we were allowed to move, we wouldn't get very far. CRT has been regularly announcing closures of all the usual suspects, such as the Alrewas river section, Derwent Mouth, Cranfleet, between Kings and Redhill lock, but I believe that's due to damage. The Newark office is still closed until further notice, Cromwell Lock passage needs to be booked and Torksey onto the Fossdyke is currently closed. I believe there is also still a sunken boat up from Trent Lock on the Erewash canal.

I see in January's 'Towpath Talk' that CRT is spending £4 million on waterway repairs in the East Midland region - apparently part of a £45

million spend across the waterways this winter. I also read that the Derby & Sandiacre Canal Trust has received £350,000 from Network Rail to go towards work on the Draycott section of the canal. This will help reduce flooding on the railway as well as helping the Trust to reopen the canal from Sandiacre to Derby. I haven't seen an announcement of this on the Trust's excellent website but no doubt there will be an update to this effect soon.

Should you have any boating or navigational issues or news from the East Midlands area that you wish to bring to NABO's attention, please do not hesitate to contact me.

Wales and the South West

Mike Rodd



With most boaters self-isolating, there is little movement on the canals - but like elsewhere, the towpaths are very busy.

This continues to be an issue for the liveboards who are naturally deeply concerned about the large number of folk walking right next to their boats on narrow towpaths. Of course, in places on the K&A the towpaths are the main communication routes for folks walking or riding to work. There are also other places where canal-side homes have their main entry doors opening directly onto the towpaths. No easy solution, but maybe there should be an extensive information campaign to educate towpath users?

CRT (well actually their contractors) have been undertaking extensive work on both the K&A and the Mon & Brec with many significant lock gate replacements. On the Mon & Brec some planned remedial work had to be rescheduled due to a major problem found beneath a bridge hole that required urgent action. I have to also acknowledge the quick reaction of CRT to user reports of problems at the Hungerford wharf - much appreciated, and shows the importance of good communications!

The work of CRT volunteers clearing the Crofton leat is also of great value. And the K&A Canal Trust's HLF project at Crofton has been completed and signed off by the funders. There

we were also delighted to receive an additional and completely unexpected grant from one of the initial project funders, The Wolfson Foundation, specifically aimed at helping Crofton cope with the reduction in visitor numbers due to the Covid crisis.

Yorkshire and The North East

Howard Anguish



I took part in a Zoom forum in January, which is the first that the Y&NE have held. It was well attended with 42 participants, including a number of CRT managers. These managers were a mix of local and national, and included: Sean McGinley, Regional Director Yorks and North East; Jon Horsfall, Head of Customer Services Support; Mathew Symonds, National Boating Manager, Leisure Boating; and a number of local Y&NE managers.

In the past, I have attended many such meetings and last night's was probably the best attended for a number of years. In my opinion it was a success. It followed the usual pattern of individual presentations, mainly concerning local issues, with a sprinkling of national subjects as well. The Zoom format allowed questions to be debated throughout the meeting using the chat facility and in that regard it was, if anything, more productive than the traditional meetings. I think the relative success of the meeting may well lead to more Zoom meetings throughout the year, which may allow for local issues to be addressed more quickly. Time will tell.

Although primarily a local issue, the Aire & Calder breach is a significant event and Sean took time to update the meeting on present work and future intentions, which may lead to a full repair later in the year. Because there is a connection with Goole Docks (operated by Associated British Ports) care has to be taken with water levels to allow shipping to continue operations as much as possible. This has to be commensurate with maintaining a safe level in the canal to prevent any flooding to a large area of farmland and local housing in Snaith and East Cowick. There is a significant amount of leisure boating activity

Around the regions with NABO's regional reps

in the area with around 200-plus boats mooring in the Dock at two marinas. Ironically, the breach is in the same area that suffered major flooding 12 months ago, so it is an extremely sensitive subject. It is fortunate that CRT has managed to avoid flooding by their actions so far, using helicopters to plug a major leak with hundreds of tons of stones and sand. But this has been at the expense of local boating, which cannot use the canal, and this situation may continue for some months depending on what is discovered when the canal is dewatered in the area of the breach.

Sean also briefed the meeting on issues at Harthill Reservoir, which supplies water to the Chesterfield Canal, and which will need a £5 million upgrade to bring it up to national standard. Work will commence in 2022 and be completed by early 2023. We were briefed about the major floods caused by storms Ciara and Dennis over Christmas 2019/2020, which has resulted in the need for major work - especially at Figure of 3 Locks - which is ongoing.

During the national lockdown, CRT has experienced a huge increase in towpath users - up to 300% - which has at times caused concern about the safety of CRT staff working in the proximity of so many people. During the first lockdown, it was also unfortunate (for water resources) that this coincided with good weather, and the resumption of busy boating activity led to pressure on water resource management. There was a brief discussion of a recent ruling by Government that angling can be regarded as exercise, together with the use of unpowered craft falling into the same category. Once lockdown rules are relaxed, there will be a great opportunity for volunteers in areas such as rangers, water control and reservoir monitoring, and CRT engineers will work on a 'Waterways First' principle, with many lock gate failures being caused by degradation and misuse. Finally, there was time for an exchange of views about a number of really local matters.

The waterways and 'building back better'

Helen Hutt reports on a Zoom meeting of The All-Party Parliamentary Group for the Waterways in December.

This was my first experience of the APPWG and it was more interesting than anticipated!

Chaired by Michael Fabricant MP, there were three good presentations from Richard Parry, CRT; Adrian Main, Avon Navigation Trust; and John Packham, Broads Authority, all focussing very much on widening the appeal of the waterways and all emphasising how much more money is required to keep them in good shape!

I didn't get to ask any questions, not surprisingly, but this seems to be a good forum if you can get to the right person. Here's a short selection:

Lord Dolar Popat asked, on behalf of a constituent, why Cumberland Basin on the Regent's Canal had not been dredged despite numerous promises. Richard Parry gave no real answer in my view, but he was definitely put on the spot.

Tony Lloyd MP raised the issue of vandalism;

it was generally agreed that getting more people to use and love the waterways (initiatives like 'Let's Fish') was helping to combat this.

Lord Bradshaw said that with new housing in the Thames Valley there would be water shortages; the proposal is to install a Severn-Thames pipeline, but he asked whether the Cotswold Canal could be completed and used instead, with many additional benefits. Michael Fabricant thought this should be the topic of another meeting.

Canal blogger, Andrew Denny, asked what was happening with shortage of water on the Rochdale Canal and the potential opening of the Rochdale Town Arm. Richard Parry explained the challenges and hoped the canal would reopen before next summer; he and Tony Lloyd agreed to discuss the Arm project separately.

Roger Stocker of British Cycling commented on the lack of diversity on the waterways (ironic considering all those at the meeting except me were men, mostly white and of a certain age!).

Waterway roles for young people

CRT has secured funding by the Department for Work and Pensions to create opportunities in heritage repair and construction, and waterways management, for young people.

The six-month positions are part of the 'Kickstart' initiative; a programme for young people aged 16-24 who are claiming Universal Credit and are at risk of long-term unemployment. The programme aims to support them to build their experience and help them move into sustained employment. The Trust is offering 69 placements, at an estimated value of c. £500,000. In Burnley, Leicester and Walsall, up to 36 people will gain experience in waterway management and customer service, including canal and towpath care and a range of environmental projects.



Photo: CRT

Another 31 positions are with the Trust's construction teams, where participants will learn heritage skills, from masonry, bricklaying and carpentry to canal bank protection and towpath resurfacing.

Two further roles are being created in the Trust's digital marketing team. The placements will begin from February 2021.

Make sure you are counted

Ahead of the census in March, the Office of National Statistics explains how liveaboard boaters can take part.

In March, every household in England and Wales will be expected to complete their census questionnaire, which, of course, includes people living on boats.

Everyone, including visitors from overseas, must take part on 21st March 2021. For the first time, the census will be primarily online. However, paper questionnaires will be available for those who need them. Local census support centres will help with completing paper forms or getting online.

Liveaboard boaters will receive a letter, either by hand from a census officer or in the post, with details of how to take part (the method depends on whether the mooring is registered with Royal Mail or not). For those registered with Royal Mail, the ONS letter will contain a unique access code to allow a boater to complete their form online. If a boater is not registered with Royal Mail and lives in a marina, a census officer will deliver the letter. If people live on a permanent mooring or other location, census officers will deliver forms to the households they can find. During



March, even if people are away cruising on their boat, they still have to take part; the advice from ONS is to complete the questionnaire before you go.

The man in charge of delivering the census is the ONS's deputy national statistician, Iain Bell, who is himself a boater, spending part of his time living on the Mon & Brec. He said: "My advice for liveaboards is to make sure you have a postal point if you have a mooring. For continuous cruisers, registration with a GP will cover you as well."

More information [census.gov.uk](https://www.census.gov.uk). **Census helpline** UK 0800 141 2021 Wales, 0800 169 2021.

Waterways Ombudsman New Committee chair



Karen McArthur is the new Chair of the Committee. Her term of office started in January, when Kevin Fitzgerald stood down at the end of his three-year term. Karen has been a Committee member since 2019. Her background is

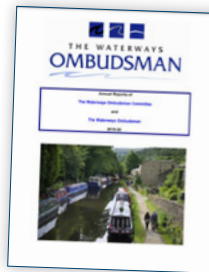
in corporate leadership and she has experience in non-executive positions, with a portfolio of roles balancing consumer protection and advocacy with a commercial outlook.

Annual report

The Annual Report for 2019/20 includes summaries of all completed investigations.

This is the first annual report of the current Ombudsman, Sarah Daniel, who took up the post on 29th July 2019. During the year, the Ombudsman received 41 enquiries about CRT, a similar number to the previous year. Seven new investigations were opened, significantly fewer than the 15 in the previous year, and ten complaints were resolved. Of these, three were upheld in part, one was settled and six were not upheld.

The report is at www.waterways-ombudsman.org/media/1169/waterways-ombudsman-annual-report-2019-20.pdf.



NABO's response to CRT

This response was sent to CRT in December, titled 'NABO's comments arising from CRT's consultation on proposed changes to licence terms and conditions'

In September 2015 when CRT last changed its Terms and Conditions. NABO made the following comment: 'As an underlying principle, whilst existing legislation gives CRT some standing it does not follow that the likes of Section 43 of the 1962 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 made warranted further investigation and have consulted further with our legal advisors who have commented that some of the changes introduced are of questionable legality'. Now in 2020 we find ourselves writing to you again and detailing our concerns on several areas of the proposed changes.

We observe that CRT now regards the issue of licences as solely a contractual matter rather than a duty to issue relevant consent to perpetuate the right of navigation with the Conditions of s17 of the 1995 BW Act alone. CRT is unilaterally imposing these T&Cs. Further that CRT is moving enforcement of Byelaws from criminal law to civil law by asserting contractual structure to licencing. We believe that CRT is again seeking powers to which it is not entitled under the 1995 Act.

Taking the consultation as a whole we find it extremely user unfriendly. It is estimated to take 40 minutes but there is no capacity to save your comments once you have started, so many prospective respondents will have no doubt ex-

ited the consultation and their views have not been recorded. Details of the consultation were not even on CRT's website nearly two months after it was launched and three weeks before it closed.

In 2015 we drew the Trust's attention to the readability of the Terms and Conditions. We said: 'The actual Terms and Conditions should be written in words that users can understand, otherwise it is an unfair contract and self-defeating. Since 2015 time has moved on and public opinion is now only too aware of organisations that create a fog of complicated contract documents written by lawyers in a way that most customers cannot understand. The existing and revised Terms and Conditions have much higher Flesch Ease of Reading and Understanding scores than is recommended. This could invariably lead to many of those at risk of enforcement action as a result of non-compliance being unable to understand the terms that they have been required to sign.'

We also have concerns that CRT may be acting outside the terms of the General Data Protection Act (GDPR). We believe that the current documents and the changes proposed are currently non-compliant with GDPR as well as containing a mix of bad presentation and lack of clarity. Lack of clarity is in itself non-compliance. In our view CRT should take immediate steps to ensure all its licensing documentation is GDPR compliant. It may be sensible to halt the current consultation on the proposed terms and

conditions pending these changes. We have highlighted an example of our findings at the bottom of our response and a more detailed review of both Readability and GDPR has been sent to Tom Deards, Head of Governance. Moving on to the specific areas in the consultation that cause us concern:

Section A. Home Mooring Requirement to Cruise

CRT is proposing that the following is added to the end of clause 3.1 of the existing Terms and Conditions: *"The cruise must be a genuine cruise. Minimal or repetitive movement along a short part of the Waterway or Waterways without use of the Home Mooring (nominal use of which shall be disregarded for these purposes) will not be accepted as a genuine cruise."*

This change appears to be an attempt by CRT to extend its powers beyond the 1995 Act. There is no authority in the 1995 Act for CRT to decide how a boat must travel in order to comply with the requirement to be used for proper navigation. The requirement is simply as per s17 (3) (c) (ii) of the 1995 Act – the boat must not have remained continuously in one place for more than 14 days, unless reasonable in the particular circumstances. A boat remaining in a small area or not travelling a certain distance does not thus contravene the 1995 Act, which appears to be what CRT is driving at with the reasoning given for this change. NABO, supported by our legal advisers, believes that CRT should be required to act in accordance with current legislation and not require boaters to agree to Terms and Conditions that exceed those required under the 1995 British Waterways Act.

Quite apart from the legal aspect, there is the question of propor-

tionality. CRT has been unable to quantify the size of the problem it is trying to address, or to provide a definition of 'genuine cruise' or 'minimal' or 'repetitive' in this context. The reasoning given is: "to ensure all boaters get fair access to the whole of their network, as presently some boaters with a home mooring remain in a small area, not returning to their home mooring, preventing others access to mooring space." This could best be addressed by the provision of mooring spaces of varied durations in popular areas and the enforcement thereof, which is available under the existing legislation. To obtain a licence, a boater has no choice but to agree to CRT's Terms and Conditions. NABO strongly believes that boaters should not be

We believe that CRT is again seeking powers to which it is not entitled under the 1995 Act.

required to agree to terms that are not enforceable in law.

Since 2015 when the Terms and Conditions were revised for boats with a home mooring not one enforcement case has been made as a result of this change in the subsequent 5 years. We would refer CRT to two legal cases that highlight the difficulties they will have in enforcing this further change: Attorney-General v. Great Eastern Railway Co. (1880) 5 App. Cas. 473, Lord Blackburn said, at p. 481: 'where there is an Act of Parliament creating a corporation for a particular purpose, and giving it powers for that particular purpose, what it does not expressly or impliedly authorise is to be taken to be prohibited; ...' This was cited with approval by the

same House in the 1991 judgment in *McCarthy & Stone v Richmond LBC*, with all five Law Lords in unanimous agreement on the point. The comments of Judge Halbert in *Canal and River Trust v Mayers*: 6.3 'However, neither the statutory regime in subsection 17(3) nor the guidelines can deal with this problem.

A boat which has a home mooring is not required to be "bona fide" used for navigation throughout the period of the licence, but neither is it required to ever use its home mooring. The Act requires that the mooring is available; it does not say

There is no authority in the 1995 Act for CRT to decide how a boat must travel

it must be used. The guidelines also have this effect.

The boat is still subject to the restriction that it must not stay in the same place for more than 14 days but there is nothing whatever to stop it being shuffled between two locations quite close together provided they are far enough apart to constitute different places.

If those who are causing the overcrowding at popular spots have home moorings anywhere in the country the present regime cannot control their overuse of the popular spots. Such an owner could cruise to and fro along the Kennet & Avon canal near Bristol and the home mooring could be in Birmingham and totally unused. And 6.4 '...It was conceded on behalf of CRT in the course of argument that if GDM acquired a home mooring for Pearl, he would be left undisturbed provided he did not infringe the 14 day re-

quirement....'

Section B. Insurance

We support the general requirement to declare insurance. We suggest there should be an option to submit documents by email.

Confirmation that CRT maintain confidentiality of information passed to them and will maintain standards as required by the General Data Protection Regulations should be explicitly set out with any changes. In a similar way explicit provision that CRT will not sell or disclose any information held to commercial parties should also be included. Appropriate security provisions for data should be clear in this and other sections which ask for boaters' data.

Section C. Termination

At C2 a proposed change of 28 days for removal has been introduced and we consider that this is potentially unduly onerous.

Perhaps '28 days or within such time as may be reasonable' might better cover all circumstances. Any termination must take into account the licensing provisions of the British Waterways 1995 Act. A licence holder might not be in CRT's view observing 'genuine cruising' however the termination could potentially be challenged as the boater might be cruising in line with the provisions of the 1995 Act.

Section D. Obligation of Refunds

The proposed first two sentences at D1 are not acceptable or boater friendly. We do not buy a licence to moor in a pond.

"The Licence fee grants permission for the licensed boat to be present on Trust owned or managed Waterways. The licence is not a guarantee of access or availability of the Waterway."

Boaters should not be required to agree to terms that are not enforceable in law.

the angle of tumblehome perhaps needs to be specified.

F3 It should be made clear that navigational dimensions will not change but required craft dimensions may do from time to time.

F4 This clause needs to be rewritten to the effect that all wide beam boats should have bow and stern fenders. In addition fenders should be available to be deployed where there is a risk of collision with any boat or canal infrastructure. Boats should not cruise with fenders down.

Section G. Change of Ownership

Boaters should be able to submit confirmation of the requested details by email.

Section H. False Declarations

If a boater knowingly makes a false declaration then the usual route is litigation which if successful would normally lead to the licence being declared invalid.

We are concerned that CRT will use any ambiguity to its advantage. Any ambiguity should in fact be interpreted in favour of the party that would suffer from it. We believe that this proposed inclusion might ultimately lead CRT to say it has rights under the licence terms to act as it sees fit where a false declaration has been determined. This action would bypass some provisions in the Acts (see for instance our concerns regarding point A1 above).

In fact false representations can be quite properly dealt with under general civil procedure rules via standard litigation practice. There is

Navigation was originally said to be the most important aspect of CRT's obligations as confirmed in Clause 2.1.1 in your Articles of Association. The existing first sentence at 9.1 should be reinstated. The proposed change seeks to widen the refund policy in CRT's favour. There are issues with the existing wording that is carried through with the proposed changes – what for instance is an 'unforeseen event' or a circumstance beyond their 'reasonable control'? An example of both would be useful for clarity. What happens for instance if a particular area of the waterways becomes blocked off? There is no right of challenge to refund as it stands or with the proposed revision.

We suggest that change is needed to the existing wording to lay some further definition down against closures and emergencies and how these are to be dealt with. This would provide some balance of fairness to licence holders. We further suggest that the D3 proposal should be: "save for any damages arising from personal injury or death caused by our negligence, or any other damages arising from statute that are prohibited from exclusion."

Section E. Boat Safety Scheme

CRT should state the authority by which they can enter a boat without a police warrant or court order. There needs to be evidence of immediate safety concern to warrant entering a boat. Any inspection needs to be undertaken by a qualified Boat Safety Examiner.

Section F. Wider or larger dimensioned boats

F2 More and more widebeams are being built with straight sides and damage is being caused to bridge arches. Maximum widths have to be reduced to take this into account or

also no distinction as to seriousness of false representation (i.e. a 'minor' error or a flagrant safety disregard are potentially very different). If CRT introduces such provision we feel it would be better put in a guideline or separate paper as to how they would expect to deal with any false declarations found, rather than incorporating this into the Terms & Conditions of the licence itself.

Section I. Behaviour towards Trust colleagues

Judging by the issue explained by CRT, the motivation here is to give another route to licence termination as that is specifically mentioned in the issue section.

We do not believe the potential loss of a licence is an appropriate penalty for accusations of this nature. If the situation was reversed the boater would expect it to be dealt with by the appropriate authorities

as well as CRT. We suspect this may be motivated by the desire to bring in the ability to perform 'spot-checks' where there may be safety concerns with certain boats. We would question why this addition is necessary. Genuine abuse whether by a boater to a Trust colleague or vice versa is properly a matter for the police. It is also covered under the current existing byelaws. We are concerned there is no right of appeal or indeed appeal process which should be independent of CRT. This clause regrettably is one sided and gives scope for it to be used for CRT's own ends.

Conclusion

We are keen for the Trust to see the comments above as constructive criticism of the proposed changes to the current licence terms and conditions. We hope to hear from you shortly on the action that you propose to take.



Does it make sense?

Whilst considering CRT's proposals for amending its terms and conditions, we realised just how wordy most of the licensing documentation is.

In fact, we believe that none of the current documents, nor the changes proposed, meet a simple test for ease of reading.

We have drawn the Trust's attention to the readability of the Terms document before. The last time, in 2015, we said: 'The actual Terms and Conditions should be written in words that users can understand, otherwise it is an unfair contract and self-defeating.' The Trust took no action over our complaint.

Since the 2015 Terms were drafted, the Data Protection Act 2018 has come into force. Among other

things, the Act requires, under the 'right to be informed,' that information which the Trust provides must be concise, transparent, intelligible and easily accessible. It must use clear and plain language.

There are five primary Trust documents that make up the licensing documentation, namely:

- Boat licence application form, dated May 2018
- General Terms and Conditions for Boat Licences, dated February 2020
- Your Boat Licence Terms & Conditions, issued in 2020 and containing the proposed changes
- Privacy Policy, dated September 2020
- Privacy Schedule for Customers, undated

NABO believes that these principles must apply to all of them. We examined three current documents and the new Terms text proposed by CRT, using a proofing tool in the Microsoft Word programme. This tool provides common indices, such as sentence counts, Flesch Ease of Reading and Flesch-Kincaid Grade scores. Our findings are summarised as follows:

	Sentences	Words per Sentence Target below 20	Flesch Reading Ease Target above 60	Flesch-Kincaid Grade Target below 9
Current Terms	102	25.9	50.8	12.6
Proposed new Terms, 2020	70	24.1	50.0	12.1
Privacy Policy, 2020	43	24.8	37.3	14.2
Schedule for Customers, undated.	36	27.2	28.9	15.9

As can be seen, none of the three original documents scores a readability level that can be understood by the general public. The proposed new wording for the 2020 Terms shows no improvement in readability. This is very disappointing, given the number of times that the Trust has been made

Sentence word count.

Target below 20. Sentence length affects the quality of understanding. More shorter sentences are better than a few long, complex sentences. A count of 15 to 20 words is effective for most technical communications. CRT frequently uses sentences with word counts in the 20s and 30s, a significant barrier to readability.

Flesch Reading Ease.

The best text contains short words and sentences. The higher the Flesch score, the more readable the document; between 60 and 70 is considered acceptable.

Scores are commonly interpreted as:

- 70-80 easy to read
- 60-70 easily understood by 13-15 year old students
- 30-50 difficult to read, best understood by A-level students
- 0-30 very difficult to read, best understood by university graduates

The Trust's recorded scores imply that users need a tertiary education to understand the text.

Flesch-Kincaid Grade Level.

This is equivalent to the US grade level of education. It shows the required level of education to be able to understand a text. A lower number is more readable, the target being below 9. Text intended for general public readership should aim for a grade level of around 8, schooling age 13 to 14. All of the Trust's clauses have a level higher than this, with most in the 11 to 14 range. This is a barrier to readability.

aware of this problem. NABO therefore considers the documents are not fit for purpose and are not compliant with the Data Protection Act.

Consequently, we considered some parts of the text in the documents and came up with alternative wording for four items. Here is just one example, taken from the Privacy Policy. CRT's wording is on the left, NABO's on the right, with the readability scores below:

International transfers of personal data

From time to time, the people or organisations with whom we share personal data may request that we transfer personal data to their operations outside the UK. On a case-by-case basis, we may agree to such transfer of personal data to operations in other EU countries and/or to countries which have data protection laws deemed acceptable by the EU. For other countries, we will only agree to such transfers of personal data where we are satisfied that the personal data will be sufficiently protected through measures such as the EU approved standard contractual clauses in place between the data exporter and the data importer. Any standard contractual clauses which we put in place of export of the personal data will be available from us on request.

Transferring personal data overseas

We may be asked by partner organisations to share personal information with their operations outside the UK.

We may do so if:

- The country is in EU.
- The country has data protection laws acceptable to the EU.
- We are satisfied, in the case of other countries, that the personal data will be protected. An example of this would be by EU approved standard contractual clauses. These clauses will be provided on request.

	Sentences	Words per Sentence Target below 20	Flesch Reading Ease Target above 60	Flesch-Kincaid Grade Target below 9
CRT Privacy Policy 2020	4	31.7	35.3	16.2
NABO 2020	6	11.1	57.8	7.9

In December 2020, NABO wrote to CRT about this ongoing problem, highlighting several areas that need urgent action. We emphasised that significant improvements in readability can be made with very limited effort, and without impact on legal meaning. In our view, CRT should take immediate steps to ensure that all its licensing documentation is presented in a way that the general public can understand. We even offered to assist in reviewing the new documents and suggested it may be sensible to halt the current consultation on the proposed terms and conditions pending these changes. We await a proper response!

CRT Council Boaters' reps try to get to grips

writes **Helen Hutt**

At our December meeting with CRT, we were told that some amendments will be made to the Terms and Conditions proposals, taking into account comments made by respondents—mostly regarding sections on home moorings and craft dimensions. Final proposals will be presented in January and T&Cs will be issued in April. CRT feels the response rate of 10%, 3000 people, was good considering the topic, don't accept that readability was an issue, but did take on board the difficulties with the consultation process. Most other criticisms and comments were batted away.

We also reviewed the London Management survey: a dozen Zoom sessions, involving 150+ people, mostly boaters, and 400 survey responses. Issues raised were: lack of mooring space in quieter areas; facilities; validity of data; more boats means greater security; and the growth in widebeam numbers. Suggestions include charging for some services, bookable moorings, fixed charges, more short-stay moorings and banning triple mooring. Findings from this survey will be presented to Boaters' reps on 27th January.

Anglian pass coming

The EA, the Conservators of the River Cam and the Middle Level Commissioners are working together to develop an 'Anglian Pass' that will allow annual unrestricted navigation across the River Nene, the Great Ouse system, the Middle Level Navigation and the River Cam. Available from 1st April each year. Boaters will still be able to purchase short-term visitor registrations to access the EA and Middle Level waters.

CRT licence fee increase

Private and business boat licence fees will rise by 2% from 1st April 2021. The Trust will then continue the phased introduction of additional pricing bands for boats over 2.16m (7ft 1in) wide, which will be subject to an additional 5%, on top of the 2% annual rise.

CRT online licensing problems

CRT has had to return a boat that had been seized by its subcontractors, Commercial Boat Services, for not having a licence, because of an error made by its online licensing system.

The owner applied online for a 12-month Rivers Only licence, paid for it, and was provided with a correct receipt for the licence. However, the CRT licensing system recorded this as a 6-month Standard Canal and River Licence, which happened to be the same price. This occurred twice. The discrepancy was central to CRT's decision to seize the boat, as its computer system had wrongly flagged the boat as unlicensed when in fact the licence had six more months to run. This appears to be a systemic problem with the CRT online licensing system.

The live-aboard owner's solicitor commenced Judicial Review proceedings against CRT because the boat was seized without obtaining a court order, which is unlawful if a boat is used as a home. The Human Rights Act 1998 entitles people to have the proportionality of removing their home assessed by an independent court and to defend themselves in a fair trial. CRT had claimed that the boat was not the owner's home and that there was no evidence that he lived in it. However, he lives in a pair of boats of which the motor boat is his only means of complying with boat movement requirements. The solicitor argued that the boat had a valid licence and was an essential part of his home, and that it had moved in accordance with CRT's requirements. A claim form should have been issued, giving the owner the opportunity to defend himself in court against the removal of the boat.

CRT returned the boat to the owner on the River Lea free of charge, paying for craning and road haulage from Chester. The National Bargee Travellers Association was involved in supporting the boat owner and NABO recommends that all boaters, upon purchase, check their licence confirmation against their online account record. If in any doubt, under the Data Protection Act you can request copies of all the information that CRT currently holds on you.

bargee-traveller.org.uk/crt-returns-seized-boat-after-threat-of-legal-action

BSS finances

David Fletcher looks into the numbers

NABO is active on all the BSS committees: Mike Rodd is the representative on the Technical Committee. Alison Tuck has sat on the Advisory Committee for a number of years and will be replaced by Peter Braybrook in 2021. David Fletcher is chairman of the Technical Committee and attends Advisory Committee and Management Committee meetings.

During 2020, the manager of the Boat Safety Scheme (BSS) proposed to increase the fee payable for an examination.

The fees had previously been held for eight years. As boaters, we pay the examiner every four years, about £200, depending on the boat and how much travel is involved. Part of this goes to the BSS to pay to register the certificate. This is the main income for BSS to operate the scheme. This amount was proposed to go up in 2020 from £36 to £43 (plus VAT). Examiners also pay an annual registration fee, which went up this year from £115 to £169 (plus VAT). There

are training programmes from time to time and these attract a fee to cover the costs.

In the various BSS committees, there was some discussion around members feeling unable to endorse these new figures when they had no sight of the accounts, which have previously been open only to the scheme owners, CRT and the EA. So it was agreed that the accounts would be made public. They can be found on the BSS website at www.boatsafetyscheme.org/about-us/governing-the-bss/bss-finances. What have we learnt? The figures below are for the year ended 31 March 2019.

Published results for 2018/19

Profit and loss accounts	Plan	Actual
Payroll Costs	261,972.11	260,065.95
Staff Related Costs	12,854.44	13,472.43
People Costs	1,509.38	1,619.58
Materials & Contract	2,730.26	2,906.77
Other Utilities	3,000.00	2,289.17
Mobile Phones	840.09	928.62
Meeting Costs	3,128.66	3,457.46
Stationery & Printing	14,000.00	9,762.13
Postage	5,500.00	3,640.10
Subscriptions	1,926.26	2,111.57
IT Costs	14,000.00	11,706.00
Professional Fees	278,500.00	297,427.90
Non-Operational Costs	1,090.71	695.81
Other Costs	68.39	263.89
External Income	601,000.00	620,147.62
Total Controllable Costs	600,621.70	610,347.38
Balance	378.30	9,800.24

It can be seen that the income is about £620,000 and this is equivalent to examinations of about 16,000 boats and registration fees from 150 examiners. The annual income goes up and down due to the number of boats changing each year. This is because there are historic peaks when the scheme started and when new areas, such as the Broads, joined the scheme.

There are two main cost centres that cover the expenditure - staff cost and professional fees. Staff are employed through the CRT staff systems and treated in the same way. Staff are generally long-term and the costs are predictable. Professional fees cover the additional work carried out for the scheme by contractors, consultants, training bodies, research bodies and the like - in fact anything routine or specialised that is not carried out by staff. It is by control of this work area that the budget is adjusted year by year.

The BSS operates in the CRT financial system, and has to close out the budget at the year end, and cannot carry over profit or loss year to year. The final number is balanced in the CRT finances. You can see that the scheme underspent by some £9,800 in the year shown and this is the usual situation, a small underspend, it being impossible to meet the budget to a pound. There is no evidence that the scheme is arranged to provide funding to CRT. But CRT and the EA expects BSS to be funded from examination fees recovered from users. There are lots of small business costs here that are mainly incurred through CRT, which provides services as with any other part

of the Trust.

So the big controllable elements are the number of staff and what is spent on external support. Decisions on these issues are a large part of the work of the BSS manager. The scheme has to operate to provide the day-to-day services for examiners, boaters and the navigation authorities in completing around 16,000 examinations. And then it has to look ahead at the ever-changing safety and technical aspects of engineering standards and boat safety. Executive control of all this is with the BSS, but the committees provide guidance on priorities both short-term and long-term.

So, this year where is the money being spent? First, there is a big push to increase the number of examiners. About 10% retire each year and a new induction scheme will be run in 2021 to increase the number available. All existing examiners will get the same re-training; this is to ensure that examiner behaviour is consistent and that the best practice is available to all. Then there is a need to review the requirements for commercial boats, workboats, hotel boats, trading boats and tenanted boats. These have slipped behind other categories and are still operating on requirements for 2005. This project will take several years. Another item that needs attention this year is consideration of a requirement for smoke alarms.



Sustainable propulsion - alternatives to diesel engines

The full letter can be found at www.waterways.org.uk/wp-content/uploads/2020/11/Letter-from-Michael-Fabricant-MP-to-Rishi-Sunak-MP-271120.pdf

Further to the report of the November meeting of The All-Party Parliamentary Group for the Waterways (NABO News, December 2020), on the subject of sustainable propulsion, Michael Fabricant MP, wrote to the Chancellor.

His letter focused on three key issues:

- The need to invest in infrastructure to deliver more electric charging points across the system;

Peter Braybrook offers a response:

I think I am going to become an ostrich! Where is any sense of reason?

I am 71; in 2030 I will be 80 if the Lord does not call me before then. My boat is 36 years old now, so will be 46 in 2030; the engine is 12 years older than that. I am only interested in a scrapage scheme if it covers the whole boat.

Even in a good cruising year, the engine only runs for about 400 hours, equivalent to about an hour's commute for most diesel cars, most of that at very low revs, approximately 1200 - 1600 rpm. I don't think I am unusual.

What is the problem? Even 'continuous

cruisers' would only run about two hours a day, including their compulsory 14-day cruise to the next 'place'.

Boating as a leisure pursuit is expensive as it is, without having to install a new electrical system and traction batteries. Doing it on new boats might be possible, but I think retro-fitting would be impossible in the majority of cases.

Perhaps, by then, CRT will have returned to Parliament to present the Canal and River Trust (Wellbeing and Conservation) Bill, proposing the abolition of the right of navigation by other than electric boats.

Rant over.

Fuel for solid-fuel stoves

Defra has published its intentions over solid fuels, coal and wood, which are proposed to become the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020, coming into force on 1st May 2021.

The Regulations will phase out the supply of traditional house coal for domestic combustion and wet wood sold in units of up to 2m³, and introduce sulphur and smoke emission limits for manufactured

solid fuels. The changes will be phased in with sales of small volumes of wet wood being phased out by 2022 and sales of traditional house coal by 2023. Stoves are not banned and these policies do not seek to prevent their installation or use. The intention is to ensure that people move away from burning more polluting fuels to less polluting fuels

Details are available at www.gov.uk/government/consultations/air-quality-using-cleaner-fuels-for-domestic-burning/outcome/summary-of-responses-and-government-response.

Old Bore's Almanac

Paul Monahan sets out Old Bore's predictions for the coming year as foreseen in a bowl of cloudy diesel

January

The canal will freeze over. CRT will issue an emergency stoppage notice advising that, since the water is cold, all boating must stop 'until further notice'. Towpath users will be advised that towpaths may be slippery, so they should wrap up warmly, but stay at home unless it is essential to go outside.

February

Somewhere in the country, flooding will occur. CRT will open let-off paddles on the long pounds but find that, owing to lack of maintenance, they cannot close them. Reservoirs will be lowered 'to ensure public safety'. Water shortages will occur later in the year.

March

Articles will appear in the waterways press announcing the start of the 'boating season'. CRT will announce that several major stoppages will overrun until April. National media run a story about how cheap and easy it is to live on a boat in London.

April

Early in the month, the overrunning stoppages will be further extended until May. A balance beam will fall off a gate; it will be said to be due to 'lack of use over winter'. Towards mid-month, the Rochdale Canal will open throughout for the first time this year.

May

At the beginning of the month, the Rochdale Canal will close again. Towards the end of the month, another lock gate on a popular canal will fail – allegedly caused by 'boater damage'. Warnings of water shortages. A video appears on YouTube about living for free on a boat in London. A swing bridge fails on the Leeds & Liverpool.

June

The EA announces that parking meters are to be installed at popular mooring locations on the Thames and double yellow lines will be painted along both banks. The Rochdale canal opens but closes later the same day as a culvert has collapsed. This is blamed on 'boater damage'. A swing bridge fails on the Leeds & Liverpool.

July

A sensational story in the waterways media: A boat is seen to move in London! The EA's double yellow lines were painted by contractors, but the EA is unaware that the lines were also painted on all lock lay-bys. All waiting at locks is therefore now prohibited. A swing bridge fails on the Leeds & Liverpool.

August

Water shortages occur throughout the canal system – 'Rainfall at the wrong time' is blamed. Natural England claims the warm weather has 'enhanced growth of rare weeds' and boat movement must be banned. A swing bridge fails on the Leeds & Liverpool.

September

Confusion at Hillmorton as volunteers insist that the towpath-side locks must be used for uphill boats only and the outside locks for downhill traffic only 'to save water and speed up traffic'. CRT announces that online bookings are now required for all lock flights and tunnels 'to improve the customer experience'. A swing bridge fails on the Leeds & Liverpool.

October

The waterways media carry articles on 'laying-up your boat for winter'. A secret warehouse discovered near Chester contains 50,000 large bright-blue signs, each showing a half-sunken lavatory seat and the slogan, 'Life Was Better by Water'. CRT warns that the days are becoming shorter and the weather may be cold.

November

Manchester City Council declares that the undercroft at Piccadilly Lock on the Rochdale is a cultural hub and awards a performing-arts grant to the regular inhabitants. CRT announces the end of all water usage restrictions but imposes a blanket winter stoppage 'to reduce wear on canal infrastructure'!

December

Sustrans and IWA demand that towpath walkers must give way to cyclists, and safety fences should be installed at all bridges. CRT advises that it may be dark at night.

Time and the River Nene

Anne Husar has a few nasty surprises when returning to this lovely river

Arriving back from Europe with our narrowboat in March 2017, we were put back in the water at Wisbech and prepared to re-visit the Nene using our seven-year-old Imray guide.

This had last done service in 2012 when we made the journey downstream to a lift-out at Wisbech on our way to European waterways once again. It was an interesting exercise to look at some of the differences in navigating the Nene between then and now.

EA moorings had never been numerous, although our Imray guide did write optimistically that more were planned, so what did we find five years on? Yes, there were now two short-stay pontoons that were not mentioned in our guide, but these were offset by the loss of three moorings at Titchmarsh, Wansford and Midsummer Meadow. Facilities

too had been removed, notably at Rushden and Diamonds and also at Titchmarsh and Midsummer Meadow. The tap at Mills Road Bridge was impossible to turn on and the one at Wadenhoe so overgrown with paint-threatening spiky hawthorn that that too was realistically a no-go. No new facilities had been provided, so yet more crossing-out had to be done to update our guide.

There were two shoals mentioned in our guide, surely those had been dealt with by now, or at least regularly dredged? Surprisingly, or perhaps not judging by what we were finding, they were both still there. The shallows upstream of Perio lock continued to be renowned for catching out many boats, as the deepest water is now to be found in a very narrow, convoluted channel indeed. The buoys marking them are moved around occasionally and this appar-

Overhanging vegetation on the River Nene
Photo: Peter Fellows



ently is regarded as sufficient.

Our River Nene guide pointed out that: "the river often winds its course through wonderfully unspoilt areas" and it was indeed wonderful to find that this was still true. We did however have no recollection from our previous visit of how incredibly narrow some of the navigation has become. Trees that had either fallen or spread had been allowed to block much of the river in places, so that it was now not much more than the width of our narrowboat. Vegetation too was in abundance, adding to the navigational difficulties, especially if there happened to be a speedy cruiser coming the other way. Neither boat would be able to see each other or have room to pass, with all this not-so-wonderful verdant abundance.

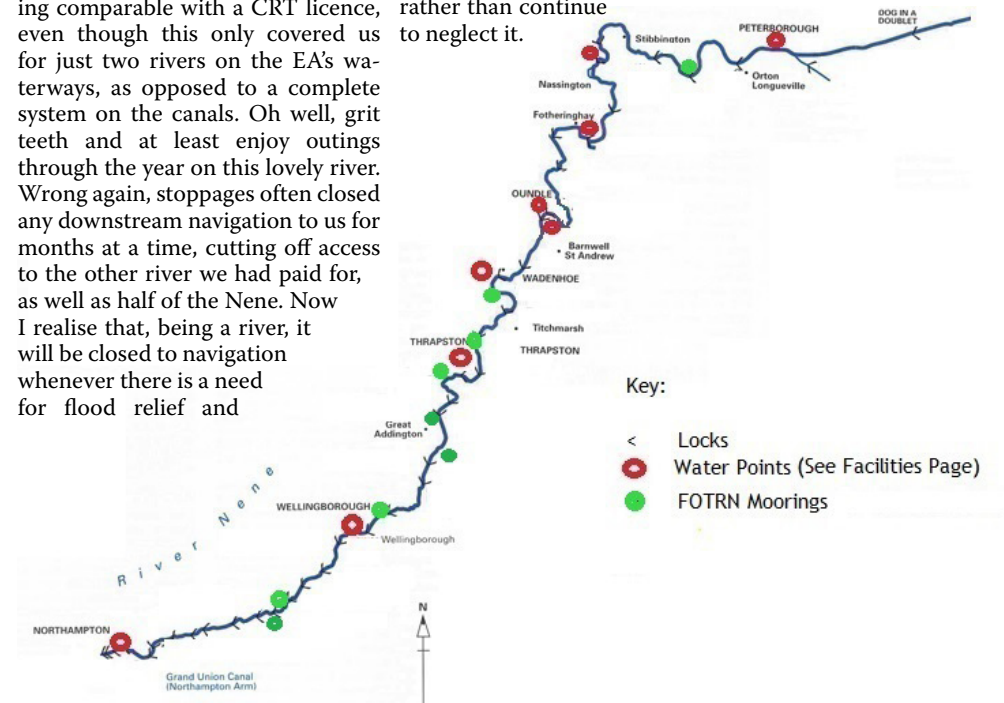
Planning to stop on the Nene for a year or so, we applied for a full year's EA licence. The cost, we were surprised to find, was becoming comparable with a CRT licence, even though this only covered us for just two rivers on the EA's waterways, as opposed to a complete system on the canals. Oh well, grit teeth and at least enjoy outings through the year on this lovely river. Wrong again, stoppages often closed any downstream navigation to us for months at a time, cutting off access to the other river we had paid for, as well as half of the Nene. Now I realise that, being a river, it will be closed to navigation whenever there is a need for flood relief and

that this has affected the stoppages too. But to be paying so much for a licence that we could not use for so many months of the year, along with the reduction in maintenance and facilities, was a nasty surprise.

The following year we faced an inflation busting 7.5% increase for the same licence but, as far as we knew, no increase in spending was planned to improve navigation for boaters on the Nene or even to bring it back to the 'heady' days of 2010. There had however been a welcome increase in the provision of moorings, not from the boaters' licence fees to the EA but from a group of volunteers, the Friends of the River Nene.

For the princely sum of £10 a year, boaters using the river can plan to enjoy overnight stays on their well-spaced moorings. With more being added every year, the hope is that their efforts will not be in vain and that the EA will do more to support navigation on the Nene rather than continue to neglect it.

The network of Friends of the River Nene moorings
www.friendsoftherivernene.co.uk



Waterways Chaplaincy

Peter Braybrook explains how this organisation helps boaters in need.

Wherever you are, you can contact a chaplain through the website contact form at www.waterwayschaplaincy.org.uk/contact-us.

The Waterways Chaplaincy is a growing network of around 100 volunteers serving the Inland Waterways from York to Woking and Llangollen to the Wash.

I am based in Banbury on the South Oxford Canal and cover from Oxford to Napton Junction. But we are not parochial and I have served boaters on the Grand Union and Thames, and even one on the Huddersfield Narrow! Although a ministry of the Christian church, we are there for everybody of all faiths or none. We are pastorally proactive and evangelically reactive, which means that we will not push our faith onto anybody, but will share our story where we are given the opportunity to encourage and to bring the hope that we have found in our own lives.

The Waterways Chaplaincy's distinctive primary focus is to reach out to people in need on our rivers and canals. We support the increasing number of boaters who are 'signposted' to us. This could be by CRT, through licence support officers or the welfare officer, or from marina and boatyard staff who are concerned about somebody. We also support boaters in need who are identified by other boaters, concerned for someone they have come across.

The Covid-19 pandemic and the associated lockdowns have seen a national rise in hardship. This has affected the waterways community too. We have helped boaters who have been unable to access essential benefits because they do not have

internet access. One boater had lost his job the moment lockdown started and lived off savings for a couple of weeks. But when these ran out and his overdraft reached its limit, it was noticed that he was not eating properly and had fallen behind with mooring fees. He could not afford a smartphone or even credit on his antiquated pay-as-you-go mobile. Help was given to access Universal Credit via a laptop and a dongle from under an umbrella, at social distance in the open air. He was also referred to the local food bank and Citizens Advice Bureau to help deal with his debt crisis. Others have been helped to access moorings and CRT's licence renewal system for similar reasons.

Chaplains have access to a hardship fund and can offer food, coal/fuel and essential repairs. We will aid access to medical centres and hospitals, assist with shopping, assist with moving boats, and have even helped to transport dehumidifier chemicals needed to dry out a leaking boat.

Some of our long-term clients have had to isolate or shield themselves and we have had to support some over the telephone or by text. Increased footfall on the towpaths at mooring sites has also caused anxiety. Lockdown has brought a substantial increase in concern over people's mental health and wellbeing. Chaplains are trained to listen and can often ease the stresses of mental troubles. Around the country, we have seen a huge increase in serious suicidal thoughts, anxiety and depression. Isolation and the inability to keep on the move have added to the stresses of daily life.

We have also noticed more support has been needed for those who have been bereaved; the closure of attendance at a funeral, with the associated support of friends and family, has been denied to many.

If you or someone you know is facing additional challenges in these strange times, you do not need to do it alone. The tagline of the Waterways Chaplaincy is 'coming alongside you'. We may not be able to alleviate all the problems that you face but we will confidentially listen, advocate, support, refer and mediate. If we cannot help, we know a man who can!



Alternative lock gate materials

Helen Hutt reports the response to a question put at the last CRT Council meeting.

Q. What research have we done into using composite materials to construct lock gates and are there any plans to use alternative materials?

A. We have researched composite materials and would like to trial alternative materials, in particular fibre reinforced polymers (FRP), which have successfully been used in Europe. Our current Heritage standards would preclude the use of such material, but the Heritage Standard is currently being reviewed and this may result in us being able to trial alternative

materials. The EA is installing a set of FRP gates on a dry dock on the Thames at Sunbury for people to learn from, and we believe Scottish Canals are also close to installing a set. However, there is a concern over the unknown effect of using FRP in terms of potential microplastic issues. The EA trial will provide valuable information on this and other issues with the new materials.

We have recently developed and trialled a new design of long-lasting steel composite gate; comprising a steel gate, with wood heel and head posts (the use of steel combined with wood is not new and many already exist across the waterways, but the new gates have been designed to last in excess of 50 years). Compared to the existing oak lock gates, the new design reduces the volume of wood required and, due to an extended asset life, reduces the mobilisation of heavy equipment to replace gates every 25 years. The first set of gates was installed in 2019 on the K&A, at Picketsfield Lock near Hungerford, and a second set is being installed at Lock 9 on the River Lee.



Composite lock gate being trialled at Picketsfield Lock Photo: CRT

Rewind

Issue No 6, 2005

Howard Anguish explores NABO News from 15 years ago

First, a Happy New Year to everyone and let's hope for better things in 2021.

NABO's response to BW licence consultation—loyalty payments & pensioner discounts NABO sets out details of its responses to the White Paper Consultation with many constructive but, at times, critical observations, and with misgivings about the outcomes in a number of areas. It was interesting to see mention of loyalty and pensioner discounts for fees. I wonder what happened to those.

NABO membership survey on licence fee consultation The ongoing consultation and discussion about mooring fees continued with a comprehensive survey published in NABO News. Because the proposals from BW were so far-reaching, it was thought to be important that NABO properly represented the collected views of members during any submissions. The survey was extensive and the accompanying instructions for individuals when completing the form were detailed and helpful. Watch this space in future Rewinds to see what effect the responses had on the final outcome.

Q&A between NABO & BW Head of Boating There was an interesting exchange of views, with the latter defending BW's proposed mooring fee increases – not surprising I suppose!

Fire safety campaign An article raises the subject of fire safety and introduces the initiative by Warwickshire Fire and Rescue Service (WFRS) – the Boat Fire Safety Check Scheme – which led

to an increased awareness about this very serious problem. I remember that WFRS presented their campaign message to many boat clubs and organisations, including a presentation to NABO at the AGM later in 2006 at Stourbridge.

2006 NABO cruise – Manchester Ship Canal There is mention of the 2006 cruise in company, which will take on the Manchester Ship Canal from Ellesmere Port to Manchester, staying overnight at Salford Quays before ascending Pomona Lock onto the Bridgewater Canal.

Trip on Humber Princess As a postscript to Stuart Sampson's articles on his cross-country voyage on Lady Galadriel, he describes a trip on the large tank barge, Humber Princess, from Knostrop (near Leeds) on her return run to Immingham after delivering 500 tons or so of gas oil. She was returning for another load of either gas oil or petrol and Stuart was impressed with the quiet efficiency of this service and the skill of the crew. I can vouch for this as many years later I had a similar trip on Humber Princess from Doncaster to Rotherham when she was delivering around 550 tons of lube on one of her weekly runs. Shortly afterwards, she was withdrawn from this run, which is now done by her sister barge Humber Pride.

You say NABO, I say NABBO... A letter from Stephen Peters raises the subject of how to pronounce the name of this organisation – NAYBO, NABBO, NARBO – I'm sure most members have heard them all at one time or another, and opinion is still divided!

Letters to the Editor

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

CRT licensing consultation

I'm unable to complete the consultation as my only means is via my iPhone! However, I would suggest that we agree with any condition, providing it does not break the law and does not try to contravene the various acts of parliament relating to canals, bearing in mind Halsbury's Rules of English Law, Volume 44. These are the rules that judges and courts refer to when guidance is needed. Few lawyers know or use these rules when representing boaters.

Boaters need to know that the 1971, 1983 and 1995 British Waterways Acts are Local or Private Acts of Parliament. This is to be distinguished from a private member's Bill/Act which is something entirely different.

Regarding the interpretation of Private Acts, Paragraph 1497 states: 'Where there is any real doubt as to its meaning, a Private Act must be construed strictly against the promoters. It follows that, as between the promoters and members of the public, a Private Act shall be construed liberally in favour of the public, so that 1) clauses to preserve general rights will be widely interpreted...'

This means that, where there is a dispute between the promoter (CRT) and the individual, the court should interpret the legislation liberally in favour of the public, i.e. the defendant. In other words, when CRT terminates a boat licence because the boater is not cruising according to CRT's interpretation of Section 17 (3) c ii (the Mooring Guidance for Continuous Cruisers), the court should rule that CRT cannot enforce its own interpretation of the law.

Brian D Jarrett (Acknowledging NBTA)

T&Cs consultation a 'cobbled-up mess'

As one of the boaters who eventually managed to complete that consultation form for the change in CRT's licensing Terms and Conditions, I agree entirely with what NABO says. As was pointed

out, if you get so far then save it for later you will discover it has disappeared! So for the next attempt I gave myself plenty of time and it needs a good 40 minutes as was stated. I consider myself an intelligent and well-educated person, but I could not fathom many of the questions as they just did not make sense either in what they meant or in their purpose. The ones that had a purpose were so worded as to obviously promote the Terms and Conditions.

NABO summed it up admirably in its finding of many shortcomings that are a mix of bad presentation, hard to read wording, lack of clarity, and non-compliance with the General Data Protection Regulations.

It was all a cobbled-up mess, obviously slapped together by different people at different times, as NABO suggested. And I would add, if the actual wording of the questions is anything to go by, by people of varying intellect. It all looks rather worrying for us boaters.

T. Lang

narrowboatworld.com 11 December 2020

Braunston Stop House

As a volunteer at the Welcome Station in the Stop House, Braunston, I am letting you know that CRT has announced that, as the Stop House will not be re-opening, we will probably not be requiring any further publicity info. from NABO. It would appear that CRT also proposes to reduce Area Office numbers from the 20s down to 11. I don't think CRT realises the importance of said offices to the boating fraternity for support and assistance, as well as promotion to the general public. This is aside from the iconic value of the Stop House in the history of the Waterways! And bang goes my niche as a volunteer!

Helen Tinley



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