STATEMENT

3 October 2013

**NICK BROWN vs CANAL & RIVER TRUST**

**Charity responds to misconceived claim for judicial review**

The Canal & River Trust has filed in the High Court its strong response to the judicial review claim that the Trust’s *Guidance for Boaters Without a Home Mooring* misrepresents the requirements of s.17 British Waterways Act 1995. The Guidance, which was first issued in 2004 and has been subject to substantial consultation with boating groups through its life, helps boaters to determine whether their movement patterns comply with the law and aims to ensure that the waterways are managed fairly for everyone.

Nick Brown received permission at only the fourth attempt to take forward just one limited aspect of his claim, three previous judges having decided that he had no arguable case whatsoever. His claims regarding (amongst other things) human rights and equality law have already been rejected.

“This misconceived claim for judicial review should not mislead boaters. The Trust’s *Guidance for Boaters Without a Home Mooring* remains valid and applicable,” said Nigel Johnson, the Trust’s legal director, “Our response comprehensively answers each of the assertions Nick Brown makes and illustrates their flaws.”

The evidence submitted by the Trust explains that use for navigation is a charitable public purpose but anyone who uses the waterways for their (floating) home without continuously cruising is deriving personal benefit which is a misuse and abuse of charitable property without a fair payment in return. The recently updated Charity Commission guidance on the issue of personal benefit makes this clear.

Richard Parry, chief executive at Canal & River Trust, said: “We welcome people who choose to live on our waterways as they bring life and colour to the canals and rivers, provided that everyone observes the rules. Our guidance is there to help boaters comply with the law. It is regrettable that Mr Brown’s pursuit of his agenda through the courts means that we have to divert resources that would otherwise be used to care for the fabric of the 200-year old canals and river navigations and enhance public benefit.”

The full ‘Grounds of Resistance’ of the Trust and its accompanying evidence are available on the Trust’s website:

<http://canalrivertrust.org.uk/media/library/4434.pdf>

<http://canalrivertrust.org.uk/media/library/4435.pdf>

**ENDS**

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**Notes to editors:**

The Canal & River Trust is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK, maintaining the nation’s third largest collection of Listed structures, as well as museums, archives, navigations and hundreds of important wildlife sites.

We believe that our canals and rivers are a national treasure and a local haven for people and wildlife. It is our job to care for this wonderful legacy – holding it in trust for the nation in perpetuity and giving people a greater role in the running of their local waterways

[www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk)