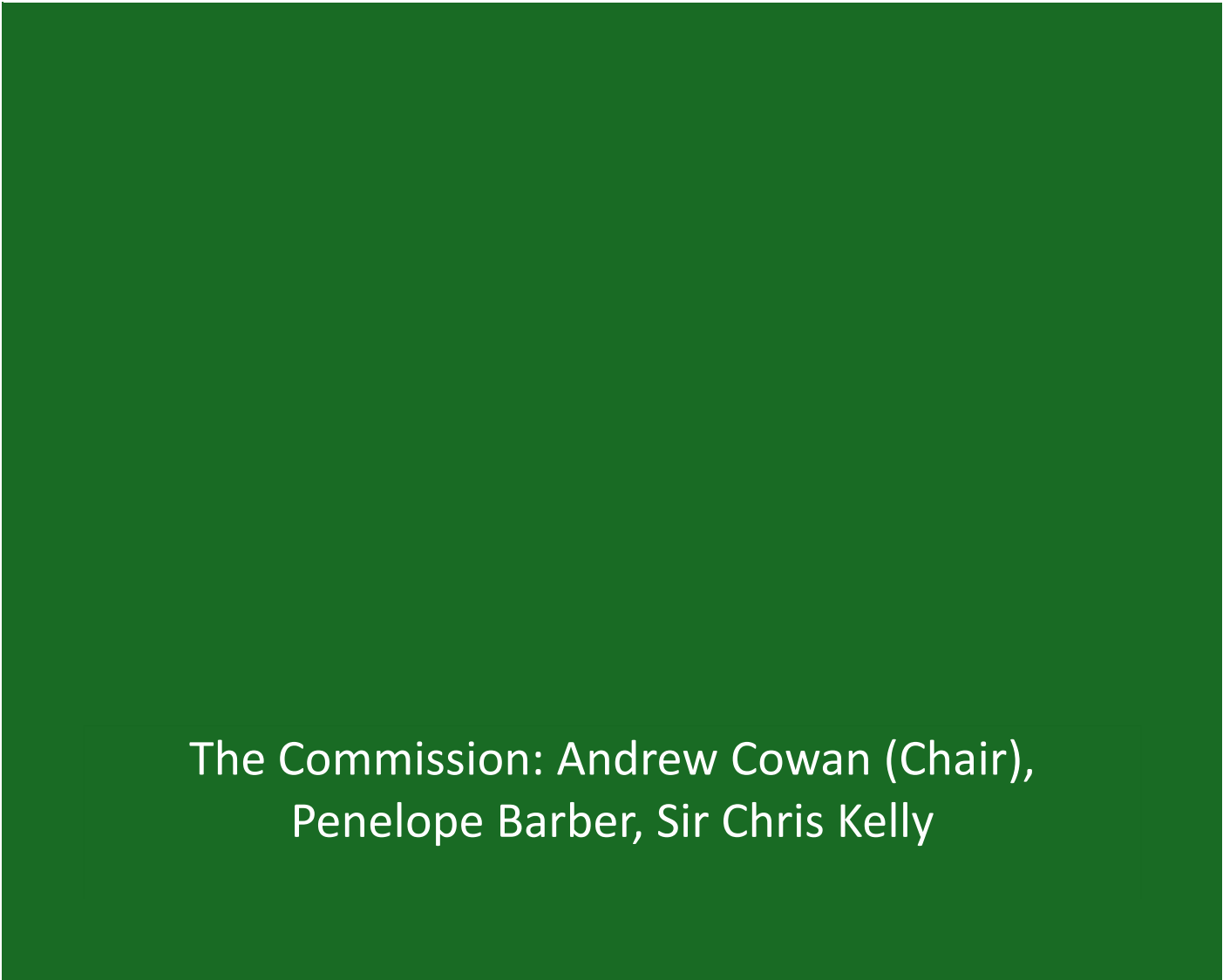




The Future of Licensing: Report of the Commission on Boat Licensing

October 2025



**The Commission: Andrew Cowan (Chair),
Penelope Barber, Sir Chris Kelly**

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About the Commission

The Commission has been chaired by Andrew Cowan, a former senior partner at Devonshires law firm. The other members were Penelope Barber, one of the elected boating representatives on the Trust's Council, and trustee Sir Chris Kelly, a former senior civil servant and former boat owner.

Executive summary

The Canal & River Trust is a charity whose main function is the stewardship of around 2,000 miles of canals and other waterways in England and Wales. As part of that stewardship, the Trust issues licences giving permission to boats and other craft to use its waterways, subject to certain terms and conditions. We have been asked to review, independently of the Trust, the fitness for purpose of the licensing system in the light of widespread dissatisfaction with the way it currently operates and to make recommendations for change where we consider that to be beneficial.

The Trust is right in our view to believe that its licensing arrangements need reform. The system is not in danger of immediate collapse. It works reasonably well for many. But we are in no doubt that it is operating sub-optimally. It copes poorly with the way in which many licence holders wish to use their boats. It is a material cause of poor relationships between the Trust and many of its licence holders. Its legal basis is fragmented, unclear in important respects and leaves much for interpretation. The requirements which the legislation, as interpreted by the Trust, imposes on boaters are complex to understand and difficult and expensive to enforce; and the way in which the Trust enforces compliance is widely regarded as both too robust in some respects and too weak in others. Without change, this situation is likely to deteriorate further.

There is no simple solution. To be effective, reform requires action on several related fronts. This report makes 36 recommendations with the aims of fitting the licensing system better to current and potential future circumstances, making it fairer, easier and less costly for the Trust to operate and enforce and contributing to an increase in its perceived legitimacy.

We have four main conclusions.

Boat movement

First, if it is to be effective in providing open access to its waterways, the Trust needs to create a clearer and simpler boat movement obligation to replace its current interpretation of the legal requirement of bona fide navigation. Whatever its original validity, the concept of bona fide navigation does not now reflect many boaters' actual lifestyles; and it does not focus sufficiently on outcomes which fit the Trust's charitable objects.

The part of the requirement which obliges licence holders to change their moorings at least every 14 days, other than when on validated home moorings, should remain. We regard this as an essential part of keeping the waterways open. We have been impressed by the extent of support for the 14-day principle among most of those with whom we have engaged.

The Trust does, however, need to devise a simpler, clearer definition of what boaters must do at the end of the 14 days. The new requirement should be focused on what is needed to support efficient and effective stewardship of the waterways, particularly in ensuring fair access. The objective should be to find an appropriate balance between operational and

access requirements and the needs of boaters and other users of the waterways and towpaths, and of adjoining communities and businesses. It should also be as straightforward as possible to manage and enforce.

We appreciate that designing a new movement requirement will not be straightforward. It will require both a shift in mindset and meaningful consultation; and it will need to be accompanied by effective methods of enforcement.

The new movement requirement should be accompanied by steps to restore confidence that anyone wishing to navigate through popular areas like London or the west end of the Kennet and Avon Canal can do so with a reasonable expectation of being able to moor, though not necessarily in the exact place they would prefer.

Enforcement powers

Second, the Trust at present operates with one hand tied behind its back in enforcing compliance with its licence terms and conditions because of limitations in its powers and the absence of appropriate graduated sanctions. It has few or no tools to respond proportionately to minor breaches of licence conditions; and it faces constraints on effective use of some of the powers it does have. These limitations reduce the effectiveness of its compliance work and contribute to higher costs – costs which are ultimately met through licence fees. Changing the movement requirement will have limited impact if the Trust still lacks adequate powers to enforce it.

Limitations in its enforcement powers are not only a frustration to the Trust. They also contribute to widespread perceptions that the Trust is not acting robustly to address obvious breaches of licence conditions, even though it may be working hard to do so. If otherwise compliant boaters perceive rules being broken with no apparent comeback, they are less likely to remain compliant themselves and more likely to lose confidence in the Trust's competence.

Any extension of the Trust's enforcement powers is bound to create concerns that the powers will be used capriciously or unfairly. We have therefore been careful to confine our recommendations to areas where we believe the case for change to be strong and clearly in the interests of boaters as a whole, other waterways users, and the wider public.

It is essential that new powers are accompanied by appropriate, proportionate safeguards, allowing Trust decisions to be challenged.

We have also been conscious that the best enforcement powers are those that do not need to be used. The licensing system should ideally be designed to promote a culture of compliance, with knowledge of the existence of effective enforcement powers being there as an additional encouragement, to be used only sparingly when no effective alternative exists. Perceptions of the legitimacy of the system are a key underpinning to a culture of this kind.

Compliance might also be improved if a new movement requirement had the effect of freeing up some of the Trust's resources to focus more on issues like deliberate non-payment of licence fees, boats moored in unsafe or inappropriate locations or sunken, sinking or abandoned boats – especially if enforcement activities are concentrated on the more heavily used areas of the waterways network.

The Trust's relationship with boaters

Third, while arguably not within our terms of reference, we find it worrying that the Trust's relationship with many boaters is often characterised by distrust and suspicion – one cause of which is the perception some boaters have of the Trust's attitude to those living on boats, particularly in urban areas where housing costs are high. It is not our role to allocate fault. The situation has a long history. It is, however, damaging both to the Trust's reputation and to its ability to operate effectively, including in relation to fundraising.

The Trust is not and should not be a housing charity, nor a statutory housing provider. To take on housing responsibilities would be outside both its charitable objects and its core competencies. But that does not mean it can disregard the needs of those living on boats on its waterways. It is our impression that the Trust has not yet fully thought through its approach to liveaboard boaters. We recommend that it should take the opportunity of our recommended reforms to the system to attempt a fundamental reset of its relations with them. That will depend on changes in approach by all parties. It will also require explicit recognition of licensing not just as a mechanism for control and revenue raising but also as part of a contract between the Trust as owner of the waterways and those who use and live on them. An important part of any reset will be an emphasis on consultation and listening to the responses.

One of the reasons for believing that an improved relationship is important is our earlier point – that the greater the perception of the legitimacy of the way the Trust exercises its stewardship of the waterways, the greater the likely voluntary compliance with its rules and regulations and the less need for enforcement. In this connection we have been struck by a perception among many boaters that their current licence fees represent poor value for money. The Trust is already attempting to respond to some of the reasons for this perception through its *Better Boating Plan*. We believe its efforts could be reinforced by building on the existing analysis in its Boater Report to provide a clear exposition of the way in which licence fee income is spent for the benefit of waterways users, in terms which make sense to them.

Limited capacity for moorings

Fourth, we are conscious that, with limited exceptions, our recommendations do little to address the network's capacity to accommodate existing or projected demands for mooring space within some urban areas. They could make the situation worse. We have therefore considered whether the licence system could have a role in reducing congestion. Views

about the point at which the degree of congestion in an area becomes intolerable can legitimately differ. The absence of a common agreed standard makes it difficult to judge definitively whether capacity issues have yet reached the point where radical action is necessary. We believe, a consensus should be reached on the meaning of congestion and a way of measuring it; and once this is clarified, the Trust should then explore the possibilities of price differentiation or rationing, or a combination of the two, against the risk of the situation deteriorating. This could perhaps be combined with service enhancements in higher priced areas linking the price to value for money.

Though not part of the licensing system, and therefore outside our terms of reference, we also believe it would be helpful if more residential moorings were available. We have been told by the Trust that efforts to create more residential moorings in congested areas have been largely unsuccessful in the past. We appreciate the difficulties. We think it important nevertheless that the Trust should look at the possibilities again, including reinforcing its efforts to bring about changes in planning guidance. There might also be ways by which, at a cost, it could be possible to enhance non-residential mooring space on some parts of the waterways. We recognise, however, that increases in the supply of mooring spaces could result in an offsetting increase in demand for mooring space.

Other recommendations

We have made other recommendations directed at simplifying the existing system, dealing with the issue of sunken, sinking or otherwise abandoned boats, and addressing historical anomalies.

The implementation of our recommendations

Some of our recommendations will inevitably have resource implications which will be unwelcome to the Trust. We would not have made them if we did not believe them to be justified. Appropriately targeted investment of resources can sometimes produce offsetting savings in the longer term.

Our recommendations are addressed to the Trust because it is the Trust which commissioned us. But in putting them forward we have tried to take account of the views and interests of a wide range of stakeholders. We hope that everyone will see them as a coherent package and that it will be accepted that some elements which some may find less attractive are justified as a necessary accompaniment to other elements which are more appealing.

We are conscious that some of our recommendations require changes in legislation before they can be implemented. Legislation can, however, take some time. It should not be used as a reason for inaction on progressing other recommendations which do not depend on new legislation. Our understanding is that many of our recommendations can, and should, be implemented without legislative change. In cases where there is a doubt about the

consistency of a recommendation with a strict interpretation of what current law permits, the Trust could conduct a risk assessment of likely challenge before acting.

Our terms of reference invite us to consider the appropriate legislative vehicle for reform. We have not responded to that invitation. We regard it as an issue on which the Trust needs to take formal legal advice.

If legislative time were available to deal with Trust-related issues, there is a strong case for using it additionally to consolidate the complex mix of statute under which the Trust operates.

Recommendations

Our recommendations are as follows:

Movement requirements

1. The requirement for boaters without home moorings and other boaters when cruising to change their moorings at least every 14 days, or such longer period as is reasonable in the circumstances (for example to allow for unplanned navigation stoppages), should be retained (paragraph 44).
2. The Trust should interpret 14 days as inclusive (paragraph 45).
3. After careful consultation with licence holders and others about the different options, the Trust should define a new, clearer movement requirement to replace the concept of bona fide navigation. The new requirement should be directed at finding an appropriate balance between the efficient and effective management of the waterways, including fair access, boater needs and the impact on others whose interests might be affected, and on encouraging the use of all the waterways (paragraph 52). Annex 5 illustrates one possible way of doing this.
4. The Trust should cease to use the term “continuous cruiser” to describe leisure licence holders without home moorings and substitute a more accurate description (paragraph 54).

Demand management

5. The Trust should begin an open discussion about the meaning and measurement of the term “congestion” and about the desirability and practicality of introducing price differentials and/or rationing the issue of licences or other ways of addressing capacity issues in congested areas (paragraph 71).
6. The Trust should seek to include the power to introduce price differentiation and/or rationing on a contingent basis in any legislation which is put to Parliament to implement our recommendations (paragraph 72).

7. If the Trust decides to introduce differentiated licence fees and/or rationing in congested areas, it should do so as part of a considered package, possibly including ring-fencing the additional revenue in whole or in part to improve services in those areas (paragraph 73).
8. The Rivers Only discount should be ended on all Trust rivers. The change should be phased over a period of three years to ease the financial impact on those affected (paragraph 77).
9. Any waterways where the Trust is the responsible navigation authority but where it currently has no power to issue licences should be brought within the scope of the licensing provisions (paragraph 78).

Licence enforcement

10. The Trust should consult on appropriate safeguards to prevent any new or existing enforcement powers in relation to the licensing system being used capriciously (paragraph 83).
11. The Trust should be more active in using its existing legal powers to move to another place any boats moored dangerously or selfishly (paragraph 88).
12. The statutory notice periods before the Trust can remove non-residential sunk, sinking or abandoned boats from its waterways should be removed, subject to payment of appropriate compensation if the Trust is mistaken in its belief that the boat has been abandoned (paragraph 105).
13. The Trust should consult widely on (i) the case for granting it the power to use reasonable force as a last resort when removing a boat subject to a Court order and (ii) the safeguards which would have to be in place if the power were granted. Boat removal should only happen after all reasonable steps have been taken to avoid it becoming necessary (paragraph 113).
14. The Trust should have the civil power to levy fines on licence holders in response to breaches of its licence terms and conditions and on towpath users in response to behaviours detrimental to others, like fly tipping. In cases involving boaters, if a fine remains unpaid for over 21 days, the Trust should have the power to tow a boat away until both the initial debt and the cost of towing and storage are paid (paragraph 117).
15. The Trust should review its initial approach to licence holders it believes may have breached their licence conditions in minor ways without causing a nuisance to make it more customer-friendly and positive (paragraph 124).

16. The Trust should review and regularly check the robustness of its arrangements for ensuring the accuracy and completeness of the information it uses before issuing overstay or other notices (paragraph 127).

Issue of licences

17. Subject to appropriate safeguards, the Trust should have the ability to refuse to issue or renew licences where (i) there is clear evidence of abusive or threatening behaviour posing a significant, or serious fear of risk to other boaters or users of the waterways or to Trust employees, volunteers or contractors; (ii) there are unpaid debts; or (iii) there is lack of suitable identification of boat ownership (paragraph 97).
18. The Trust should consider the addition of lack of fitness for navigation of the vessel concerned to the statutory grounds for refusal of a licence (paragraph 98).
19. The Trust should develop the existing boat registration system into a publicly available ownership register, with owners being required to provide the information necessary to complete the register at the time they apply for a new licence or for licence renewal. The cost of the register should be met by fees paid by the applicant (paragraph 133).
20. Any party operating a crane, slipway or other facility subject to a contract with the Trust should be required as part of that contract to confirm the existence of a current licence before allowing their facility to be used for launching a vessel on to a Trust waterway (paragraph 135).
21. To incentivise boats being kept in good condition and to inhibit them from being abandoned if they sink or otherwise fall into acute disrepair, the Trust should discuss with the insurance industry and consult with boaters on the practicality of insisting on recovery of wreck insurance cover or some form of deposit scheme as a condition of issuing a licence (paragraph 145).

Maintenance of a licence

22. The Trust should consider whether the blocked account arrangements are working effectively and are fit for purpose, particularly in the way they affect more vulnerable boaters (paragraph 129).
23. The Trust should have the right to fit a tracking device to any vessel where there is clear evidence of a failure to comply with movement requirements, particularly in congested areas. Boaters should also be given the right, but not the obligation, to install a Trust-approved tracking device on their boat to provide evidence of compliance (paragraph 131).

24. The Trust should investigate the desirability, practicality and cost-effectiveness of different methods of providing proof of insurance as part of licence applications and renewals, rather than continuing to rely on self-certification. Failure to demonstrate up-to-date insurance when an existing policy expires during the period of a licence should be flagged in the licensing system and followed up. Persistent failure to produce evidence of up-to-date insurance after a warning should initially result in a fine and ultimately the invalidation of a licence (paragraph 139).
25. The Trust should amend the Boat Safety Scheme to include proportionate checks which would reduce the risk of sinking (paragraph 148).
26. A new boat safety certificate should be required within three months of a boat being transferred to a new owner, unless a new certificate has been obtained within a defined period (we suggest three months) leading up to the sale (paragraph 150).

Other recommendations

27. The Trust should consider the case for a scrappage scheme to encourage the removal from the waterways of derelict or unsafe boats (paragraph 152).
28. Houseboat Certificates should be abolished and replaced by standard licences (paragraph 158).
29. The Trust should initiate a discussion with stakeholders about the historic boat assessment criteria and process with a view to ensuring the associated licence fee discount is serving its intended purpose and, if it does, consider whether a larger discount would be appropriate (paragraph 159).
30. All fee discounts and surcharges applied by the Trust should be determined by general principles related to its corporate objectives and charitable objects, should be capable of clear and transparent explanation, and should be reviewed periodically to ensure they remain appropriate (paragraph 160).
31. The Trust should produce a clearer exposition of the uses to which licence fee income is put and from which licence holders benefit in terms which make sense to licence holders, building on the existing analysis in its Boater Report. It should make that analysis widely available (paragraph 162).
32. The Trust should review at least triennially the data it collects so that it is able to provide assurance to its Board, boaters and others about the condition and use of its waterways, including in relation to licences (paragraph 18).

Relationships and communications

33. The Trust should reassess the way it communicates and works with boaters and attempt to improve its relationships with them, particularly with liveaboard boaters (paragraph 170).
34. The Trust should support and provide start-up funding for an independent charity that offers advice and advocacy to liveaboard and other boaters, including assistance with benefit claims (paragraph 174).
35. The Trust should review the tone and content of all its communications and other contacts with boaters and other waterways users to ensure they are in plain English, use consistent terminology and are as customer friendly as possible (paragraph 177).
36. The Trust should make the case to DEFRA for consolidation of the legislation under which the Trust operates (paragraph 178).

Andrew Cowan (Chair)

Penelope Barber

Chris Kelly

31st October 2025

Section 1: Introduction

1. The Commission was set up to:

“Consider options for potential changes to the Trust’s approach to boat licensing, to identify and evaluate alternative models for how to regulate the use of the canal network for boating that reflects the changes to its use over the past 30 years and the likely range of future uses”.

2. Our full terms of reference are in Annex 1 with a letter from the Commission to the Trust explaining how we intended to interpret them.

3. The representations we have received, and the responses to our own survey (see later), leave us in no doubt that there are issues with the current licensing system which need to be addressed. Symptoms of sub-optimal operation include:

- i. Low levels of boater satisfaction. The causes of low satisfaction are not limited to the licensing system. They also include, for example, unhappiness about the condition of the network, linked to investment being directed to reservoirs and other critical infrastructure rather than to general maintenance, lock gate repairs and dredging. The licensing arrangements and their perceived value for money appear, however, to be an important factor. There is a significant discrepancy between what many boaters expect in return for their licence fee payments and what is perceived as being delivered by the Trust.

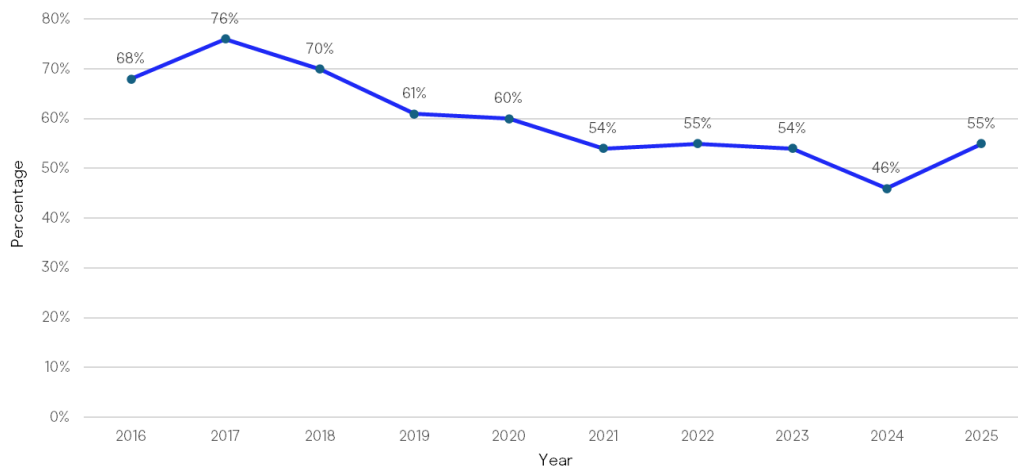
There was a sharp fall in overall boater satisfaction in 2024 following an announcement of licence fee increases (see Figure 1 overleaf). This fall was reversed in 2025, possibly as licence holders become more used to the increases, possibly also because of the announcement of the Trust’s *Better Boating Plan*.¹ But the level of satisfaction remains well below what it was as recently as eight years ago and below the level to which the Trust should aspire.²

- ii. Poor relations between the Trust and many boaters have led to a situation where even actions by the Trust intended to be helpful can be viewed with suspicion. Some resistance to the exercise of authority may be inevitable from a proportion of boaters who have chosen to live off grid; and vulnerable boaters may have experiences which make them wary of authority or may find complexity confusing. It is our impression, however, that the present situation goes well beyond that.

¹ The Trust’s *Better Boating Plan* was created at about the same time as the Commission was set up and is intended to address some of the non-licence-related causes of low levels of boater satisfaction revealed by the 2024 Boater Survey.

² The Trust has recently set a target of 75 per cent boater satisfaction by 2028.

Figure 1: Trends in boater satisfaction from 2016 to 2025



Source: Canal & River Trust

- iii. Capacity issues in some areas causing difficulties in mooring. These issues are made worse by a shortage of residential moorings with planning permission and challenges with obtaining permission for new moorings and new facilities like waste disposal and water points. Availability of land is also a constraint, either on the towpath side or on the offside where very little land is currently owned by the Trust. The impact is felt by licence holders and hirers cruising through these areas as well as by those wishing to moor there more permanently.
- iv. Large numbers of unlicensed boats. Some level of licence evasion is probably inevitable. But the extent and cost of non-compliance should be a source of serious concern. Other things being equal, continuing increases in licence fees above the rate of inflation could be expected to make matters worse.
- v. Challenges in identifying boats. Large numbers of boats do not display their index (registration) number and are thus not easily identifiable.
- vi. Movement requirements for boaters with or without home moorings which involve complex determinants of distance and pattern, based on the Trust's interpretation of the legislation. These requirements are highly resented by many of those subject to them. They are also difficult and expensive to enforce, and less than fully effective in securing desired outcomes.
- vii. Related to this, high levels of enforcement activity. The Trust has told us that at the time of writing it had 5,725 open enforcement cases. This means that around one in six of all licence holders are the subject of current enforcement action. So large a number of enforcement cases cannot be healthy. It is also very expensive. The cost ultimately has to be recouped through the licence fee.

- viii. A widely held perception that enforcement is applied ineffectively and inconsistently, accompanied by frustration on the Trust's part about its limited ability to take prompt action before an issue becomes significant.
 - ix. Significant numbers of abandoned and/or sinking or sunken boats whose removal is both costly and time-consuming.
 - x. Difficulties for liveaboard boaters without home moorings and a fixed address in accessing resources like health care and financial services like bank accounts. We have been told that using the land address of a family member or other contact can be problematic, for example in obtaining car insurance, and can result in long periods between delivery and actual receipt of post.
4. We have found considerable agreement about the main factors underlying these issues:
- i. A fragmented legislative base which is difficult to follow, which leaves important issues undefined and which, as interpreted by the Trust, is ill-suited to the way a significant number of liveaboard boaters wish to lead their lives.
 - ii. The complexity and contestability of the guidance documents setting out the Trust's movement requirements, related to the lack of clear definition in the legislation.
 - iii. Enforcement powers which rightly reflect the Human Rights and Equality Acts, particularly where a boat is someone's home, but which are deficient in several important respects which are unrelated to this legislation and which hinder efficient and speedy application.
 - iv. The spillover of the housing crisis onto the waterways system in areas of high residential demand, resulting in living on board being perceived by some as a form of low-cost housing, as housing of last resort, or as a route into future home ownership.
5. We also note that the licensing arrangements are not designed to incentivise full use of the network. The charitable objects of the Trust relate to the promotion of the waterways for navigation and other purposes. We believe this should be interpreted as applying to the whole network. The implication is that the licensing arrangements should encourage use of the whole network.
6. Any reform of the system must address these interlocking issues, while taking into account the wide range of characteristics and potential needs among the Trust's licence holders, with significant levels of reported disability and ageing and hence numbers of vulnerable boaters.³

³ Canal & River Trust Census Survey 2022.

Some related observations

7. It became apparent at the beginning of our work that some stakeholders believed the Commission was created to give legitimacy to a set of changes which the Trust has already decided, and which are intended to penalise and/or marginalise liveaboard boaters.
8. If we thought that to be the case, none of us would have accepted appointment.
9. We do not believe that the Commission would have been set up in the absence of a strong sense among the Board of the Trust and its Executive that it has not always got things right in the past, that change is necessary and that a fresh look at the issues was necessary. We have not been discouraged from pursuing any lines of thought. We have encountered willingness by the Trust to engage openly with us; and we have found widespread recognition in the Trust that liveaboard boaters are an important group of waterways users whose interests need to be respected and supported and that they are an integral part of waterways life, contributing to the safety, security and wellbeing of the network.
10. There have also been inaccurate suggestions in social media that we would be focusing on the level of licence fees. It was not within our remit to revisit decisions about fee levels. We have, however, inevitably needed to try to understand the fee structure. We have made some recommendations intended to simplify and update it.

Methodology

11. We determined at the outset that we would approach our task openly and transparently⁴ and engage with as many individual stakeholders and representative organisations as possible. We did not want to assume that we understood all the issues, or that we or the Trust had a monopoly of ideas about the best way of addressing them.
12. To that end, we began our work with an online survey asking questions about what individuals or representative groups with an interest in the inland waterways thought about the current system of boat licences, what they believed to be the issues, whom those issues affected, and what ought to be done about them. The survey had over 4,600 responses. We followed up with a series of meetings with representative bodies and others, chosen either because of their responses to the survey or because we expected them to have relevant things to say. To encourage open discussion, we told

⁴ Copies of the minutes of our meetings are available at <https://canalrivertrust.org.uk/boating/boating-news-and-views/boating-news/commission-to-review-future-framework-for-boat-licensing>.

participants that we would keep the meetings confidential, but that they were free to publicise them, if they wished.

13. The survey was conducted on our behalf by Campbell Tickell. Their report summarising the survey responses has been published on the Trust's website.⁵ It was not intended as a piece of quantitative research. It was a qualitative exercise to give as many people as possible an early opportunity to contribute to our work. The responses were not therefore weighted in the way those to a structured survey would have been. As a result, we understood that the responses may not be representative of the complete population of stakeholders and need to be interpreted accordingly. Nor was the survey intended to be a formal consultation of the kind required when significant changes in policy are in prospect. That should come at a later stage, if the Trust decides to implement our recommendations.
14. The survey responses show a level of concern across all categories of respondents about the current licensing system. These concerns are generally consistent with other information available to the Trust, for example through its boater surveys. The four main themes are as follows:
 - i. Many respondents feel the current model to be unfair. Criticisms include that it does not sufficiently reflect the diversity of waterways users, does not represent good value for money, is increasingly unaffordable for some licence holders, and poses a threat to liveaboard boaters' way of life. In addition, it was suggested that it creates divisions and tensions between different groups of licence holders and between waterways users who are required to have a licence and participants in activities where no licence is required.
 - ii. Many respondents expressed a lack of confidence in the Trust's approach to compliance. On the one hand, the Trust is perceived to be overly focused on enforcement and aggressive in tone. On the other, it is criticised for an apparent lack of action against unlicensed or incorrectly licensed boats and/or boats overstaying on moorings.
 - iii. Many respondents raised operational issues which contribute to their sense that licence holders do not get value for money in return for their licence fees.
 - iv. Several respondents raised issues about the effect of demand for housing on the Trust's operations, the role the Trust could play in relation to crime and anti-social behaviour on the waterways and towpaths, and about other issues, not all of which are within our remit.

⁵ https://canalrivertrust.org.uk/media/document/m_xW4P-PKnQQD99OtEm6Ng/CbEVxw2MUitcbuX6nmQckyWxGg4n78cCL2kmXL0dCoo/aHR0cHM6Ly9jcjRwc m9kY21zdWtzMDEuYmxvYi5jb3JlLndpbmRvd3MubmVOL2RvY3VtZW50Lw/0197e502-c09b-78ba-b50b-046aac63d3e5.pdf.

Other navigation authorities

15. We have looked briefly at whether there are any lessons to be learnt from other navigation authorities and other jurisdictions like France and the Netherlands, particularly in relation to issues of congestion. In both countries (unlike in London) the inner-city waterways system has a significant commercial character which is reflected in its usage and dimensions. Also in contrast to London, boats on the waterways in both Paris and Amsterdam⁶ are either required to have a home mooring or to occupy short-term moorings and then move or face being towed away; with higher licence fees applying to mooring in Paris than on other parts of the French canal system.⁷ Neither city has anything equivalent to the large population in London and some other urban areas of boaters without home moorings living on their boats.⁸ In the UK, the privately owned Bridgewater Canal⁹ and Scottish canals¹⁰ all require home moorings as a condition of licences being issued.

Legal framework

16. The legislative framework governing the Trust's licensing system is complex and fragmented. Much of it dates from before the Trust was set up as a charity. We have been asked to assume that changes in it may be possible. The Trust has told us that, if the case is strong enough, it would be prepared to make representations to HM Government for legislative change, while recognising that there is no guarantee that its representations would be successful.
17. The view that the complexity of the existing framework leaves a lot to be desired has been noted in the High Court:

"236. Lastly, I would not wish to leave this long judgement without expressing my concern about the present disparate and complex nature of the legislation that I have had to consider. It is, of course, a matter for the BWB; I appreciate that the process would be time consuming and expensive, and disputes such as this may be few and far between, which may make it difficult to justify in terms of cost; but I share the hope of the Select Committee of the House of Lords, in reviewing the Bill that ultimately became the 1995 Act, that consideration be given to bringing forward clearer consolidated legislation in due course to clarify and set out in

⁶ Unlike London, both these cities still have significant freight traffic.

⁷ https://domaine-public-fluvial.vnf.fr/app/uploads/2025/01/Tarifs_Domaniaux_et_Services_2025.pdf.

⁸ See for example

<https://www.amsterdam.nl/en/traffic-transport/boating/apply-boat-vignette/>
<https://www.amsterdam.nl/en/traffic-transport/boating/safe-boating/>
<https://www.amsterdam.nl/en/traffic-transport/boating/boat-towed-removed/>.

⁹ <https://bridgewatercanal.co.uk/boating/licensing/>.

¹⁰ [Scottish Canals | Licences and moorings](#).

more accessible form the extent of BWB's powers and the circumstances in which they may be exercised".¹¹

Data

18. Our objective has been to make sure any conclusions we reach are based on evidence. Annex 2 describes the main data sources on which we have relied. In some cases we have found that, partly because of the voluntary way in which it is collected, information is incomplete and/or potentially unreliable. It also sometimes conflicts with what we have been told by people with lived experience. In these cases we have had to use our judgement. Up to date information about the condition and use of the waterways is, and will continue to be, important for the Trust in monitoring the effectiveness of its stewardship and deciding future policy. **We recommend that the Trust should review at least triennially the data it collects so that it is able to provide assurance to its Board, boaters and others about the condition and use of its waterways, including in relation to licences.**

¹¹ Justice Hilyard. *Moore v British Waterways* (High Court 2011).

Section 2: Key facts

Types and numbers of licences

20. The Trust issues a considerable number of different types of licences – 28 in all. Annex 3 shows the complete list. The system has become so complicated that the Trust no longer publishes a list of boat licence prices on its website. Instead, it provides an online calculator which invites enquirers to submit the details of their vessel and then informs them about the relevant licence price. For our purposes, it is simplest to regard licences as falling into two broad categories – pleasure boat/leisure licences and business licences.
21. There is a key distinction in leisure licences between those for boats with recognised home moorings¹² and those without. Holders of licences without home moorings, commonly referred to as continuous cruisers, are required by the legislation to demonstrate that they use their boats for “bona fide navigation”. The legislation does not, however, define what this means. It is interpreted by the Trust as requiring changing moorings at least every 14 days and showing a pattern of continued movement throughout the year. Boaters with home moorings are required to follow the same rules when away from their home moorings. Licence holders without home moorings currently pay higher licence fees than those with home moorings.¹³ Leisure licences can be either for all canals and rivers for which the Trust is responsible or for river use only. Rivers Only licences benefit from a discount of 40 per cent relative to standard licences. Leisure boaters can obtain a Gold licence allowing them to use both Trust and Environment Agency owned waterways at a lower cost than if they held two separate licences.¹⁴ The standard licence terminates when a boat is sold or transferred. Refunds are issued for full, unused months of 12-month and 6-month licences, subject to an administrative charge. The new owner must buy a new licence. Rivers Only licences can be transferred.¹⁵
22. Leisure boat owners with boats which are moored on residential sites for which planning permission has been granted can hold Houseboat Certificates instead of licences. There are currently only 43 holders of Houseboat Certificates. The certificates currently cost the same as standard licences.

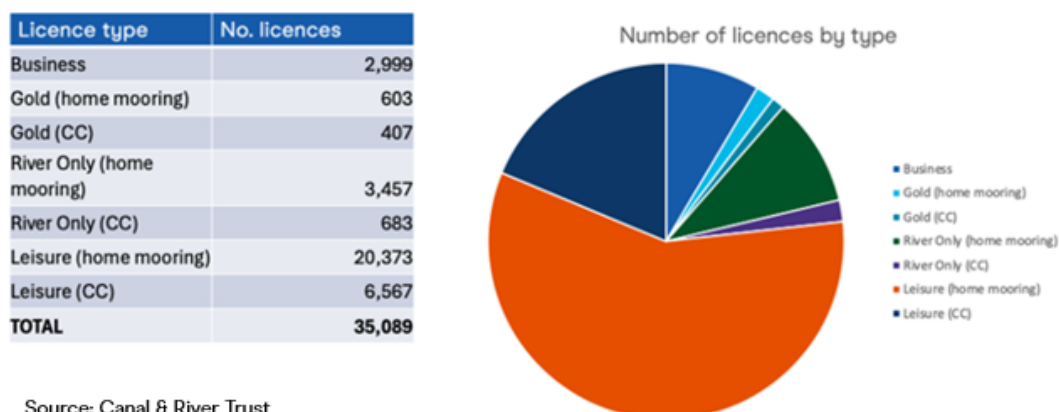
¹² The Trust estimates that there are around 1,600 long-term mooring sites on its network. They vary from very small sites with just one or two berths, usually on the side of the waterway, to large marinas with 100 or more berths. About 10 per cent of total berths are managed by the Trust.

¹³ Though those with home moorings generally face higher costs overall because of mooring fees.

¹⁴ There is a reciprocal arrangement with the privately owned Bridgewater Canal which allows licence holders free use of each other’s waterways within limits, subject to obtaining a short-term licence online.

¹⁵ <https://canalrivertrust.org.uk/boating/license-your-boat/faqs-on-boat-licensing-buying-and-selling#bought-or-sold-a-boat>.

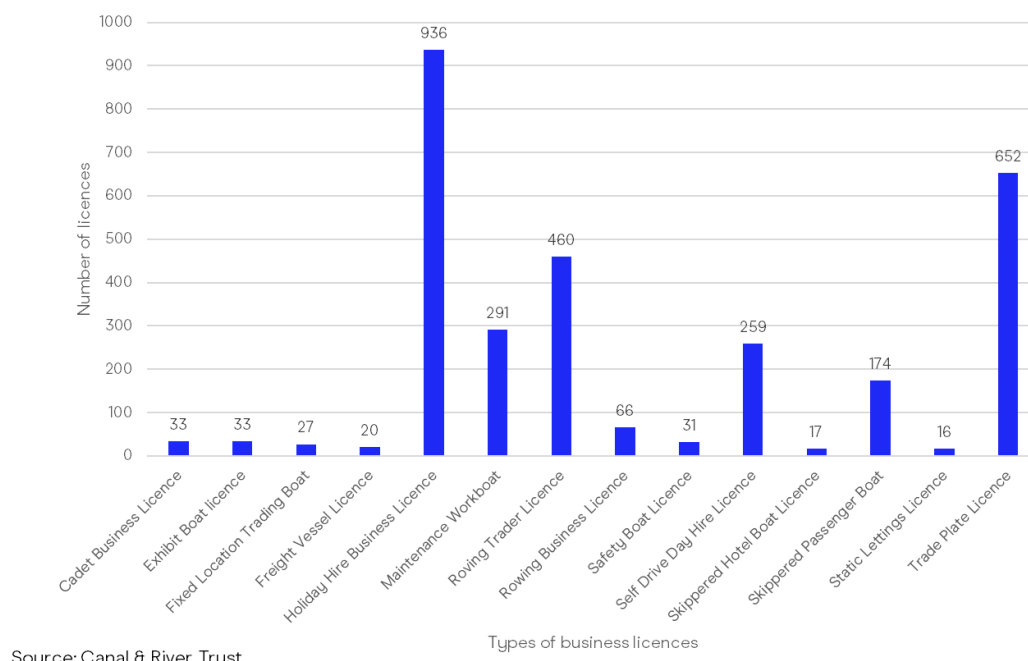
Figure 2: The number of licences by type (September 2025)



23. Historic boats, broadly defined as those whose basic structure is more than 50 years old, receive a discount of 10 per cent. There are currently 386 boats whose owners receive this discount. There are also discounts of 50 per cent for portable powered boats and unpowered butties, discounts of 25 per cent for boats on waterways which are not connected to the main network like the Monmouth and Brecon Canal,¹⁶ and for electric boats. There are separate arrangements for work boats.
24. Business licences are required by those using their boats for business, for example as a floating café, letting out as accommodation or for holiday hires, removing waste, selling gas, fuel or other items to other boaters or, in a few cases, carrying freight. Applicants are required to submit an operational plan describing how the licences will be used. In total, there are currently 3,000 business licences issued for a wide variety of different uses (Figure 3 overleaf).

¹⁶ The Trust has announced that the disconnected waterways discount will be reduced in 2029.

Figure 3: Types of business licence in operation on the waterways in 2024-25

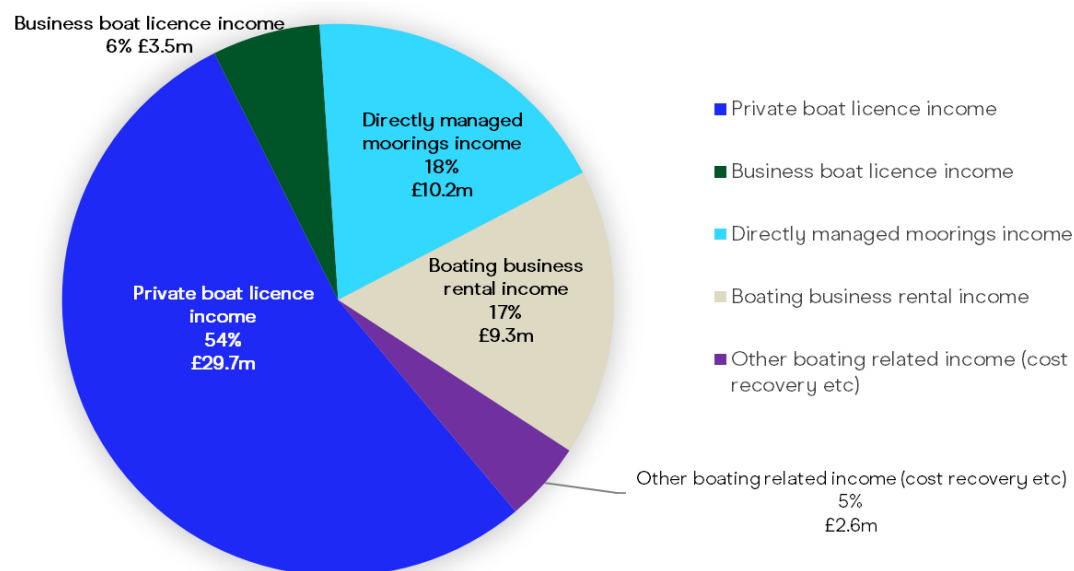


25. We have received surprisingly few representations about business licences. We have not therefore considered them in any depth. We note, however, that both hire boat operators and those providing other commercial services are important parts of the waterways ecosystem and make a meaningful contribution to its economy. Hire boats provide a first introduction to the waterways for many people, as well as offering continuing opportunities for experienced boaters without a boat of their own. Boat-based businesses provide valuable services to other boaters and towpath users. They can, or could, also help to reduce pressures on Trust services by providing alternative ways of meeting boaters' needs, for example for waste disposal. Maintaining an environment in which boating businesses can continue to operate commercially should therefore be an important consideration for the Trust.
26. All licences can be issued for twelve-, six- or three-month periods.¹⁷ Three-month licences are only available to boats with a home mooring. The Trust has the power to issue leisure licences for up to three years but does not currently use it. Licences for longer periods might reduce the Trust's administrative costs and the administrative burden on the licence holder. They would, however, also reduce the number of automatic touchpoints between the Trust and licence holders, which might be considered a disadvantage.

¹⁷ Visitors using "trailed" or other small boats or larger boats visiting Trust waterways from other navigations for a short time can apply for a short-term licence for one week or one month or for a 30-day Explorer licence.

27. The Trust's private boat licensing income, excluding business boating licensing income, was £29.7 million in 2024-25, equivalent to around 16 per cent of its total charitable expenditure in that year.¹⁸ Income from business licences was £3.5million (Figure 4).

Figure 4: Income to the Trust from boat licences and moorings in 2024-25



Unlicensed boats

28. The Trust estimates that there are currently just over 35,000 boats on its waterways, much the same as in the previous year.¹⁹ Not all have valid licences. The Trust has told us it believes that currently around 10 per cent of boats are unlicensed,²⁰ equivalent to foregone revenue of over £4 million (assuming an average licence fee of £1,200). From the data we have been provided by the Trust, it is statistically more likely that boats without home moorings will not possess valid licences. Around 16 per cent of boats without home moorings are thought to be unlicensed compared with about 8 per cent of those with home moorings. Some boats may, however, not be covered by licences because the Trust has declined to issue one rather than as the result of the boater deliberately avoiding payment. We have been told that, at the time of writing, there are around 826 boats in this category. They consist almost entirely of boats which previously had continuous cruiser licences but whose owners were refused renewal on the grounds that they had failed to show the required pattern of movement.

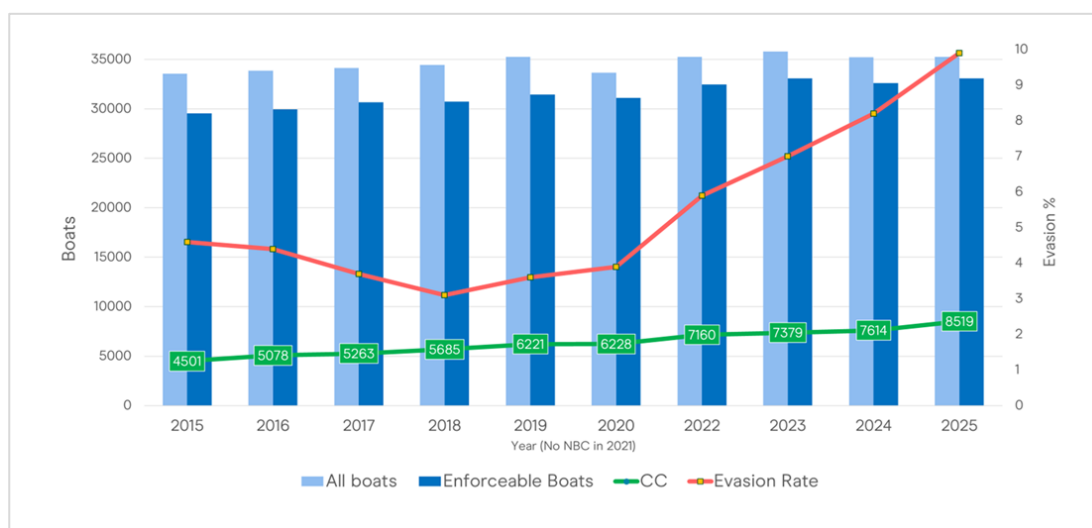
¹⁸ [Annual Report & Accounts | Canal & River Trust](#) – see p.21 of the Accounts.

¹⁹ National Boat Count 2025.

²⁰ This seems like a very high figure. By way of comparison, however, the Environment Agency has told us that it estimates a registration evasion rate of around 30 per cent on its inland waterways.

29. There has been a steady increase in estimated numbers of unlicensed boats during the last 5 years (Figure 5). The largest proportion of unlicensed boats, currently just over 15 per cent of the total, is in the Trust's London and South-East Region.²¹

Figure 5: The percentage of unlicensed boats relative to the total number of boats, 2015-25



Source: Canal & River Trust²²

Boats without home moorings

30. The number of boats without home moorings is now around 8,700, just under a quarter of all boats on the Trust's network. The number almost doubled between 2012 and 2024. It increased by a further 12 per cent between 2024 and 2025. Part of the 2025 increase may be because a new validation process was introduced in 2024 when a higher licence fee was introduced for those without home moorings. The validation process revealed a number of boats whose owners had not been able to obtain formal

²¹ Interestingly, the London and South-East is the only Trust region to show a reduction in the proportion of unlicensed boats in the most recent year.

²² Enforceable boats are vessels sighted on Canal & River Trust inland waterways, defined in both the British Waterways Act 1971 and the 1983 Act as: "any canal or inland navigation belonging to or under the control of the Board (British Waterways Board) and includes any works, lands or premises belonging to or under the control of the Board and held or used by them in connection with such canal or inland navigation". Private marinas, for example, may be contractually obliged to ensure boats hold a valid boat licence from the Trust. However, as the Trust does not own or control their waters, statutory powers pursuant to sections 8 and 13 of the British Waterways Acts 1983 and 1971 respectively cannot be applied, therefore boats sighted in these locations will be recorded as non-enforceable.

confirmation of their mooring from their provider.²³ There is a heavy concentration of boats without home moorings in London, where boats without a home mooring account for more than half of all boats there.

31. We are aware of the suggestion that the Trust may have underestimated the number of boaters without home moorings on the network before 2012. Interesting though this may be to waterways historians, we do not think it bears directly on our task of recommending changes to the current licensing system to improve its operation now and in the future.

Boaters using their boats as their primary place of residence

32. There has been a steady increase in the number of boaters using their boat as their primary place of residence, whether on a permanent mooring or not. According to the Trust, around 35 per cent of boaters currently live on their boats.²⁴

Charitable objects

33. In common with other charities, the Trust is required to operate in a manner which furthers its charitable objects and to use its assets (in this case the waterways) for the “public benefit”. Public benefit means that the delivery of the charitable objects should benefit the public generally or at least a broad section of it; and, conversely, that any benefit to an individual should be “incidental”. The Trust’s objects are set out in Annex 4. There may be room for discussion about the meaning and implication of some of the Trust’s objects like “to *promote sustainable development in the vicinity of any inland waterway for the benefit of the public, in particular by the improvement of the conditions of life in socially and economically disadvantaged communities in such vicinity*”. We do not, however, interpret the existing objects as extending to housing responsibilities on the waterways.
34. It is possible to change objects with the consent of the Charity Commission. Any new objects must, however, still be charitable and still be for public benefit. The Charity Commission is unlikely to agree to changes to the objects of any charity which would change its basic nature or conflict with other of its objects.
35. It is important to note that in pursuing public benefit the Trust should use its property (i.e. the waterways) in a way which benefits all its beneficiaries (i.e. all users of the waterways) rather than any one group. It should also act prudently – implying charging fees at a level necessary to help achieve its charitable objects. It is a matter for the Trust to decide what this means, subject to compliance with charity law.

²³ There could be several reasons for this, including a reluctance on the part of the mooring provider to provide documentation for boats they know are used residentially, possibly in breach of planning controls.

²⁴ Annual Boater Satisfaction Survey 2025, p. 9.

Section 3: Movement requirements and congestion

Objectives of the licensing system

36. If they are to be effective, changes in the licensing system need to be based on clear objectives.

37. In our view the objectives should be:

- i. To raise in a fair and equitable manner part of the revenue needed to allow the Trust to provide the services required or considered desirable for boaters, including the costs of enforcement, and to keep the waterways in good condition.

The proviso about fairness and equity is important. Levels of licence fee evasion are likely to be greater if the size of fee is regarded as unreasonable and/or disproportionate. An issue for Trust waterways is that, of the millions of people who use them, it is only boaters and to some extent those who fish, paddle or row who pay for the privilege directly. Towpath walkers and cyclists pay nothing (though all taxpayers contribute indirectly through the Government grant paid to the Trust).

- ii. To encourage good behaviour (i.e. broadly behaviour which enhances the waterways environment for other users) and discourage bad (i.e. behaviour which is detrimental to the enjoyment of others).

Some positive behaviours are more easily supported by a licensing system than others. For example, the issue of a licence requires both a boat safety certificate and third-party insurance. These requirements provide some protection against the risks presented to other users or nearby property by boats kept in a dangerous condition. The arrangements provide little leverage, however, against poor boat handling and less than full assurance that a boat can float and navigate reliably and safely. There is nothing equivalent to the civil remedies available to local authorities to use against those who drive cars above the speed limits or park on double yellow lines.

- iii. To support the Trust in its basic purposes of providing fair access to its waterways for navigation, recognising the great variety of usage patterns among those who enjoy them, and encouraging full use of the network.

It is reasonable to expect, for example, that boaters should be able to find somewhere to moor (though not necessarily exactly where they want) and to access necessary services without too long a journey.²⁵ Hire boat companies

²⁵ The Trust has set out the standards of customer services it expects to offer, including distance between services, in its *Customer Service Facilities (CSF): Policy Statement*, available on its website.

should be able to offer their customers reasonable certainty that they will find mooring spaces and to use the waterways with the same freedom as other users, without abuse. Paddlers ought to be able to enter and leave the waterways reasonably easily with their canoes, kayaks and paddle boards, including where portage is necessary around locks and weirs. Anglers ought to have reasonable access to stretches of the canal. Rowers ought to be able to enjoy their sport safely and with consideration from other users.

- iv. To support the Trust in its other charitable objects.

For example, by encouraging wider navigation of the entire waterways network, use of the towpath as a shared space generating considerable social value or protecting and enhancing water heritage and ecology.

- v. To be based on clear, easily intelligible rules which are easy to understand and simple to enforce.

- 38. The recommendations in this report are intended to help meet these objectives. If implemented in full, we believe they would make the system fairer. They would help reduce licence fee evasion. They would work better than the current arrangements in encouraging good behaviour and discouraging bad. They are likely to improve fair access to the waterways; and they would make licence conditions clearer to understand and easier to enforce.

A key issue: movement requirements

- 39. A key issue for the Commission, on which a lot else depends, is the nature of the movement requirement placed on those without home moorings and on other boaters when cruising. As explained earlier, these boaters are required by the British Waterways Act 1995 to demonstrate “bona fide navigation”. The Trust has interpreted this as not staying in any place for more than 14 days and showing a pattern of continuous movement through the licence period. The requirement is one of the main causes of enforcement action (see paragraph 79 for details). It also underlies the poor relations between the Trust and many of its licence holders. It is intrinsically linked to the management of demand in popular areas, particularly in urban areas with housing shortages or disproportionately high housing costs.

Is there a need for any movement requirement?

- 40. In view of the difficulties it causes, we have asked ourselves whether it would still be necessary for the Trust to impose movement requirements for operational or other reasons if the legal requirement of bona fide navigation did not exist. Would it not be easier, and remove a great deal of potential aggravation, if boaters were allowed to moor where they like, and stay as long as they like, provided they moor safely?

41. Our conclusion is that there would be significant difficulties with an approach of this kind for the following reasons.
- i. **Practicality.** Unless other measures were taken, the effects would be likely to include an even greater concentration of boats at key sites in urban locations, causing, among other things, increased difficulties for those looking for moorings when passing through.
 - ii. **Fairness.** It would be the opposite of creating fair access. It would give those who happen to be moored at desirable sites the ability to stay there for as long as they liked, blocking off those sites to other users – though permanent moorers would still have to move occasionally to access services like water and sanitation services, unless those were supplied on site or by roving traders, and to maintain their boats, for example to renew the blacking on their hulls.
 - iii. **Charity law.** If liveaboard boaters without a home mooring were permitted to reside for indefinite periods on the towpath, effectively living in a locality for the price of a boat licence, the Trust may have to raise boat licence fees for those boaters by a very considerable amount to reflect the benefit derived if it is to comply with its obligations under charity law. That would particularly be the case in areas where alternative accommodation on land is in high demand which is reflected in the cost of living in that location. The Trust would otherwise unlawfully be conferring a private benefit on the boaters concerned.
 - iv. **Planning law.** There is a distinction in planning law between leisure moorings (effectively moorings not used for permanent residence) and permanent residential and fixed-term commercial moorings. Temporary mooring of boats alongside the towpath is an established use associated with navigation. It is generally accepted that temporarily moored boats are not therefore a matter for planning control. Permanent long-term residential moorings, on the other hand, require planning permission, because they are not incidental to the primary use of the Trust's water space. Permission is not always easily obtained, especially in areas of high usage or in legally protected areas like the green belt. The Lee Valley Regional Park Authority, for example, takes the view that residential use of the water is not one of the statutory purposes of land within the park.

The point at which a mooring departs from being an incidental use of the waterways, thus requiring planning permission, depends on fact and degree. In practice, the distinction can be difficult to determine. There is no accepted planning definition of the length of overnight occupation possible under leisure use. The Trust's belief is that the ability to demonstrate another permanent place of residence is an important relevant factor.

- v. **Attractiveness to boaters.** A permanent mooring would bring additional costs to boaters, notably a likely requirement to pay Council Tax in addition to any mooring fees which the Trust was then required to charge. In some cases, particularly for those not receiving income support, this could make it significantly less attractive even to those boaters who wish to remain within a tight geographic area.²⁶
 - vi. **Effect on marina businesses.** Unlimited free mooring would be likely to have a significant impact on the viability of many marina and hire businesses, with implications for the availability of moorings, for access to the waterways for those without their own boats, and for the Trust's finances.
 - vii. **Waterways heritage and operations.** Removing any form of movement requirement would sit poorly with the heritage of the waterways, reduce the beneficial effects of boat movements in keeping channels clear and structures operating effectively, and would lessen interest for towpath users and other visitors.
42. Some of the effects of removing any need for movement could in principle be mitigated. The difficulty for boaters wishing to find temporary moorings when moving through congested areas, for example, could be addressed by increasing the availability of short-term visitor moorings, where this is practical. Significant changes in charity or planning law solely to address waterways issues, however, seem unlikely given the little attention waterways have received to date from planning authorities.
43. There may be some boaters without home moorings who would prefer for work or family reasons to be able to stay in the same place for longer. We have found, however, that most of those with whom we have engaged believe that the 14-day rule is broadly fair and acceptable. Any unhappiness is more with the requirements imposed once the 14 days elapses and/or with a perceived lack of flexibility in the way the Trust deals with minor infringements.
44. We do not therefore think the option of removing movement obligations entirely is worth further consideration. **We recommend that the requirement for boaters without home moorings and other boaters when cruising to change their moorings at least every 14 days, or such longer period as is reasonable in the circumstances (for example to allow for unplanned navigation stoppages), should be retained.**
45. We have encountered some confusion about what 14 days means in practice. We think it would be helpful to clear this up. A strict interpretation of 14 days moves back the day of the week on which a boater must move by a day every two weeks, which can

²⁶ Though we have been told that some liveaboard boaters without home moorings may regard it as fair to contribute to local authority and other services, particularly if payment of Council Tax was linked to easier access to those services.

unnecessarily disrupt working and family lives. To reflect better the rhythm of daily life, 14 days should in our view be interpreted as inclusive. In other words, if you moor at any time on day one, you must move no later than the end of day 15. So, if you moor on, for example, Saturday 1st of the month you must move on or before midnight on Saturday 15th. **We recommend that the Trust should interpret 14 days as inclusive.**

Alternative movement requirements

46. A 14-day time limit on mooring in any one place is meaningless without some definition of what the boater must do once that limit is reached.
47. In an ideal world, the movement requirement would be:
 - i. Easy to understand, to minimise compliance failures arising from misunderstandings.
 - ii. Straightforward to evidence, to minimise disputes.
 - iii. Generally regarded as fair and proportionate, so boaters feel positive about meeting the requirement and so Trust staff feel comfortable about enforcing it.
 - iv. For these and other reasons, easy to enforce.
 - v. Helpful in delivering the Trust's charitable objects.
 - vi. Designed to ensure sufficient movement to facilitate fair access to the most desirable mooring sites.
 - vii. Recognising in a proportionate way the needs of some liveaboard boaters to access their places of employment or, if they have families,²⁷ schooling, and the needs of those with a disability. We have used the word "proportionate" to reflect the need to balance the desires of boaters in this situation with the importance of not endangering the charitable objects of the Trust in relation to keeping the waterways open.
 - viii. Encouraging to the wide use of the waterways network.
 - ix. Compliant with the requirements of charity and planning law.
48. The present movement requirement²⁸ falls short on all these ideals except the last. It is complex and difficult to enforce, requiring consideration not only of whether boaters have moved at all after 14 days but also how far they have moved and the pattern of movement they have shown over a period. There is dispute about whether, as interpreted by the Trust, it is consistent with the legislation, though the Trust insists

²⁷ Three per cent of respondents to the Trust's 2025 Boater Survey reported children under 16 living aboard.

²⁸ https://canalrivertrust.org.uk/media/document/seTRsKcivACQHfdwZAxvgQ/AZJpArmUQjdpU9Me1j_AQZKXSkpiTtn3ZcZGiPnrH4/aHR0cHM6Ly9jcRwcm9kY21zdWtzMDEuYmxvYi5jb3JlLndpbmRvd3MubmV0L2RvY3VtZW50Lw/0189917c-e4ce-74af-898f-515085c6851b.pdf.

that it has always acted on legal advice and its interpretation has never been successfully challenged in the Courts. There is a widespread perception that the rules are enforced in an unfair way – too robustly in some cases and not robustly enough in others. It does little to encourage wider use of the waterways network. Complaints about difficulties in mooring in congested areas are widespread, though contested; and the requirement is ill-matched with the way in which a significant number of licence holders wish to live their lives.

49. The last of these points needs to be kept in perspective. Many of those living on land have considerable distances to travel to their workplaces, involving both cost and inconvenience. Some of those living on boats will have chosen to do so because of the much lower cost compared to land-based accommodation, often with no Council Tax or water rates to pay. We have been told, for example, that some liveaboard boaters in London are doing so in part as a way of making savings to use as a deposit for house or flat purchase or to be close to work or to schools. It is not unreasonable for them to face some inconvenience as part of the financial and other trade-offs they are making.²⁹
50. In view of its failure to measure up to what we believe should be its objectives, we do not think the current movement requirement is sustainable. We believe it should be redefined. We also believe it should be directed at fair access and the effective and efficient operation of the waterways rather than an outdated concept of bona fide navigation.
51. Designing a new movement requirement will necessitate a considerable shift in mindset for both the Trust and boaters. The notion of bona fide navigation is deeply engrained. Change will also require careful thought if the new requirement is not to become as complicated as the current set of arrangements. We are acutely conscious that designing it successfully will require much thought and detailed consultation with those directly affected and with others (like marina owners) whom it might impact indirectly. It may also require different arrangements in different areas where, for example, there are disconnected waterways or canals bounded by rivers. We have decided therefore not to attempt to make precise recommendations about the detail. In Annex 5 however, we have outlined one possible approach to illustrate what we have in mind.
52. **We recommend that, after careful consultation with licence holders and others about the different options, the Trust should define a new, clearer movement requirement to replace the concept of bona fide navigation. The new requirement**

²⁹ Not forgetting that some people, particularly early in their careers, might see advantages in living on a boat, for example being able to move home if their place of employment changes. It is also relevant that public transport is good in areas around the canals in London, though not necessarily in some other urban areas with canals.

should be directed at finding an appropriate balance between the efficient and effective management of the waterways, including fair access, boater needs and the impact on others whose interests might be affected, and on encouraging the use of all the waterways.

53. We have considered the desirability of defining the new requirement in detail in a new law. That would avoid repeating the difficulties caused by the lack of definition in the existing legislation and put the legal legitimacy of the requirement beyond doubt. It would, however, also introduce an element of inflexibility should circumstances change or experience suggest that the requirement needs to be modified. It could also make for complex legislation if the requirement differed from area to area. On balance we do not think putting the detailed requirement into legislation would be desirable, at least until after the arrangements have been shown to be effective.
54. The term continuous cruiser is a misnomer. Despite its well-established use, we think it can lead to misunderstandings and, potentially, to stigmatisation. Using it to describe the whole category of boaters without home moorings misrepresents both how many of them use their boats and what the licence terms require of them. It is also a potential obstacle to the change in mindset we are recommending in relation to a new movement requirement – away from one requiring a view about what continuous cruising “ought” to mean to one firmly based on the Trust’s objectives and operational requirements. As part of any changes, **we recommend that the Trust should cease to use the term “continuous cruiser” to describe leisure licence holders without home moorings and substitute a more accurate description.**
55. We have noted that the Trust is not always consistent in the terms it uses to describe different categories of boaters. Changing the term used for continuous cruisers could provide an opportunity for the Trust to ensure greater consistency in all the nomenclature it uses.

Demand management and licence pricing

56. The changes we have recommended to the movement requirement would be unlikely to do much to relieve congestion issues in areas like parts of the London waterways, the west end of the Kennet and Avon Canal or, on a lesser scale, in some other urban locations which are already congested or could become congested in the future. They could make matters worse, by reducing the effect of one of the disadvantages of living on a boat.
57. We have encountered different views on the extent of the capacity problem in these areas.
58. Only five per cent of those responding to our survey mentioned congestion as an issue. Some of those with whom we have engaged directly have told us that they have not encountered undue difficulty in finding short-term moorings when they have

moved through urban areas, including London. They have pointed to high vacancy rates for dedicated short stay moorings in, for example, Paddington Basin.³⁰ It has also been suggested that some of the complaints made by hire boaters about mooring difficulties may result from unrealistic expectations about being able to moor exactly where they want.

59. Others believe the need for radical action to be self-evident in view of the large number of boats moored in London and elsewhere and the extent to which licence conditions are perceived to be being breached by “continuous moorers” (as boaters without home moorings who do not move their boats every 14 days are sometimes called). The situation in London has been described by some as “out of control”. Some boaters are reluctant to cruise through London; and hire boat operators no longer operate there, citing mooring difficulties for their customers as one of the reasons. Hire boat operators have told us that their customers navigating through other congested areas can find the difficulty of mooring severely impairs their experience, particularly when they can reportedly also suffer abuse when attempting to moor. Some hotel boat operators have claimed that they find it difficult to keep to publicised itineraries because of mooring problems; and we have been told of space-related tension in some places between boaters, rowers, anglers and paddlers.
60. We have no doubt that some boat hirers do face difficulties and may face abuse.³¹ We note, however, that boater satisfaction surveys consistently show higher levels of satisfaction among hire boat customers than among other boaters. In 2024, the most recent date for which data are available, overall satisfaction was 93 per cent for hire boaters compared with 46 per cent for other boaters. Nine in ten hire boaters would recommend hiring a boat to friends and family.³²
61. We do not have sufficient data to give a confident opinion on whether congestion in certain areas has yet reached the point at which radical measures are necessary. The different interpretations of capacity are difficult to reconcile. Without a common understanding of the meaning of congestion, and a way of measuring it, it will be difficult to reach consensus on the extent to which it exists.
62. There is, however, at the very least a perception problem. It is also likely that problems will get worse as long as housing shortages continue and there remains a significant price differential between land and water-based accommodation in high-cost housing areas. Even if it is true that the situation has not yet reached a critical point, unless

³⁰ The Trust has told us that some of these moorings are relatively new and that usage can be expected to increase further as their availability becomes better known. Low usage may also be an effect of the price charged.

³¹ For their part, some liveaboard and leisure boaters complain about inconsiderate behaviour from hirers.

³² Hire Boat Survey 2024.

something unexpected happens in the housing market, the Trust is likely soon to have to face up to the need to find some way to address congestion in some areas if its commitment to maintaining open waterways is not to be endangered. None of the possible remedies looks straightforward. So, the Trust would be wise, in our view, to begin discussion with those affected and with those other authorities whose policies impact on the issue. The problem is part of a wider societal issue. Responsibility for addressing it needs accordingly to be shared with others, not left to the Trust alone.

63. Many of the steps the Trust may wish to consider are outside our terms of reference and not directly related to the licensing system. They include:
- i. Greater attention to the condition of towpath edges, vegetation cover, and the depth of water adjacent to the towpath on some stretches of the Kennet and Avon Canal and elsewhere.
 - ii. Greater provision of mooring rings on stretches of towpaths which have been upgraded to hard surfaces, making it difficult to insert mooring pins, where that is compatible with other towpath requirements.
 - iii. Provision of sufficient accessible moorings clearly marked, accompanied by further roll-out by the Trust of its new accessible mooring bollards and accessible mooring site design.
 - iv. Encouraging wider use of the entirety of the waterways network by finding ways of making less busy parts of the network more attractive to boaters currently without home moorings who might otherwise congregate in congested areas.
 - v. Increased provision of, and publicity for, short-term moorings, whether bookable or not, adequately monitored and enforced to prevent misuse.³³
 - vi. Greater support for those attempting to obtain planning permission for permanent residential moorings.
 - vii. Continuation and reinforcement of the Trust's efforts to influence changes to the planning system to make planning policies more supportive to the creation of new permanent moorings.³⁴

³³ We note that active management of paid-for short-term moorings has resource implications for the Trust. It has told us that in parts of London management of short-term moorings has become so difficult, partly because of the inadequacy of enforcement powers, that some have had to be removed.

³⁴ We do not underestimate the difficulties. The Trust believes there is a fundamental disconnect between housing needs policy and guidance published by the respective MHCLG planning and housing teams that needs to be addressed as a significant factor affecting the supply of residential moorings.

- viii. Encouragement of the use of water spaces without direct connection to the network to provide residential moorings for residential boat owners who prefer to be static.
- ix. Better enforcement leading to removal of abandoned, sinking and sunken boats (on which see later).
- x. Encouraging owners of leisure moorings in marinas or boat clubs to accommodate small numbers of residential boats. Residential boats can be used to accommodate caretakers to improve security.

Changes in the status of moorings from long-term leisure use to residential use would require planning permission. We understand, however, that this has been successfully achieved in some marinas. Trust policy has so far been to encourage development of off-line (i.e. marina-based) rather than on-line (i.e. on the canal bank) moorings because that is better for the cruising experience. More on-line moorings in London might nevertheless be justified given the extent of demand there. They have, however, proved difficult to establish in practice.

- xi. Monitoring the number of wide-beam boats in congested areas and, if necessary, taking steps to inhibit their use, because of the limitations they impose on double mooring.³⁵
64. In our view a coherent strategy to address congestion issues requires the Trust to look carefully at all these possibilities.³⁶ A major difficulty, however, is that, even if they could be afforded, implementation of many of the above ideas could result in increased demand responding to the increased supply of mooring space. If the Trust wishes to address mismatches between supply and demand in congested areas, it will therefore also need to consider the traditional means of addressing excessive demand – price and/or rationing. Neither would be straightforward.
65. Price differentiation would impact directly on demand in a way that few other measures could, except possibly measures intended to make life more difficult for boaters (which we would not recommend). It would be possible to design arrangements under which the licence cost of using a boat in highly used areas of the network was greater than in other areas. This could be through the use, for example,

³⁶ We understand that to some extent it is already doing so. It is, for example, investigating the capacity of London waterways to accommodate more moorings, including new residential moorings. We have been informed that some potential offside locations for moorings (i.e. locations on the opposite side of the canal to the towpath) have been identified, but that land availability, access issues and scope for providing facilities are proving challenging.

of congestion charging, roving mooring permits or local area licences. We understand all of these have been considered in the past.

66. Price differentiation in congested areas might be regarded as justified for a second reason. The existence of excess demand in these areas suggests that there is a product – mooring space in popular spots – for which the Trust could, if it wished, charge higher prices. As suggested earlier, by not doing so the Trust is arguably conferring a private benefit on those currently occupying these spaces. This would conflict with its duty to comply with charity law; and the requirement to remain financially viable. As the real value of its Government grant continues to reduce, the Trust needs to look to other sources to make up the difference so it can continue to deliver its charitable objects.
67. Price differentiation would, however, involve administrative complication in determining whom to charge; and in monitoring and enforcing compliance. It would also be highly resented by many of those who would be most affected. This is particularly likely to be the case since the cost difference in places like London and Bath between living on a boat and living on land is so great that small increases in the cost of owning and living on a boat may have only a limited effect on demand. The Trust has told us that lower fees for boats without home moorings combined with no Council Tax obligations means that total outgoings for liveaboard boaters in London without home moorings can be less than half that of a typical London property rent, without adjusting for higher value areas. If the Trust is to make a significant difference to congestion issues by encouraging movement out of popular areas, price increases for liveaboard boaters without a mooring might therefore need to be substantial (though see later on the possible effect of price sensitivity on the demand for moorings on the Lee Navigation).
68. There is also the point that increasing costs to boaters to provide a disincentive to mooring in those areas could reduce diversity. It could make boating in the relevant areas affordable only to the better off or to those on income support, and unaffordable to those on intermediate incomes, including many key workers – a situation which already exists in some areas of the land-based London housing market.
69. Rationing, i.e. limiting the number of licences made available in high demand areas, is another possible way of managing demand. It could, however, suppress demand rather than reduce it. It could be regarded as intrinsically unfair; and it could create operational difficulties and increase the amount of monitoring and enforcement required.
70. It is for the Trust to judge whether capacity issues in some urban areas have yet reached, or might soon reach, the point where radical measures like price differentiation or the rationing of new licences, or a combination of the two, are required. We do not have sufficient information to judge that for ourselves. We also

believe that greater provision of paid-for short-term moorings to facilitate easier through movement in congested areas, as suggested earlier, is a necessary prior step. But we think it is highly desirable for the Trust to begin an open discussion with others, not just with licence holders but also with other relevant policy and decision makers, about the extent of the congestion problem and the practicality and desirability of different ways of addressing it. A discussion of this kind is bound to be difficult and will raise strong feelings. We do not, however, see how it can reasonably be avoided.

71. **We recommend that the Trust should begin an open discussion about the meaning and measurement of the term “congestion” and about the desirability and practicality of introducing price differentials and/or rationing the issue of licences or other ways of addressing capacity issues in congested areas.**
72. The Trust is unlikely to be given more than one opportunity of securing new legislation in the foreseeable future. **We recommend that the Trust should seek to include the power to introduce price differentiation and/or rationing on a contingent basis in any legislation which is put to Parliament to implement our recommendations.**
73. If the Trust does implement radical measures to address congestion, they are likely to prove more acceptable if they are introduced as part of a package and phased in over time with appropriate transitional arrangements. A package of this kind would include replacement of the bona fide navigation requirement with a simpler alternative, as we have suggested. It might also include abolition of the continuous cruiser surcharge outside congested areas and ring-fencing part or all of the additional revenue created to improve services and enforcement in the higher priced areas.³⁷ The combination would go some way to address the complaint that it is unfair through the continuous cruiser surcharge to make those who do not boat in London pay for services provided to those who do. In effect the Trust would be creating a clear differentiation between licence holders in London (or some parts of it) and other areas with significant mooring difficulties and those on the rest of the network. To do this, the Trust would need to have the ability to designate the relevant areas, implying some way of defining congestion to assess whether the necessary threshold has been reached.³⁸ **We recommend that, if the Trust decides to introduce differentiated licence fees and/or rationing in congested areas, it should do so as part of a considered package, possibly including ring-fencing the additional revenue in whole or in part to improve services in those areas.**

³⁷ In the same way as the revenue from the London road traffic congestion charge is directed to improve roads and address other transport needs in the London area.

³⁸ For example by a periodic assessment of the total length of available mooring space in a defined location, measured at sunset. The assessment would need to take account of the possibility of double mooring where the navigation is wide enough.

74. Using additional revenue to provide better services in return for higher charges may not be straightforward because of a shortage of suitable land areas on which to site new or improved services. Innovative thinking might therefore be required; for example, encouragement to water-borne private traders to provide water, waste and other services. We have been told by the Trust that it does try to encourage private operators to provide services, but that very few do so in areas of high demand. Some form of Trust-provided assistance to providers may therefore be necessary.

The Rivers Only discount

75. A direct way of addressing congestion problems is to remove any existing incentives for boaters to operate in heavily congested areas. The most obvious example is that boaters on the Lee Navigation receive a discount of 40 per cent on their licence fees. This discount is available to any boaters who confine themselves solely to river navigations. Assuming a typical 12-month licence fee of around £1,200, the discount is worth on average around £480 a year. This may have contributed to the heavy concentration of liveaboard boaters on the Lee Navigation, which might indicate a degree of price sensitivity to fee levels which would be relevant to consideration of price differentiation elsewhere.
76. There are currently just over 4,000 holders of Rivers Only licences, around 800³⁹ (c.20 per cent) of whom are moored on the Lee Navigation. Arguments in favour of the discount include the historic right to public navigation on rivers and the fact that there are, for example, some boats on the Lee Navigation which are too big to travel on most other Trust-owned waterways. The discount does, however, appear to us to be an anachronism. Its abolition would simplify licence terms and conditions, would facilitate more effective and consistent management of the waterways and would make it more straightforward to make future changes in the licence system. We have not seen any evidence that the Trust's costs in maintaining river navigations are less than those for maintaining other waterways.
77. We recognise that removing the Rivers Only discount will be unpopular with those affected. But we do not think that to be sufficient justification for its continued existence, not least because any steps taken to relieve congestion elsewhere could put greater pressure on river navigations. We believe the Trust should remove the discount at the same time it is making the other changes in the licensing system we are recommending. Removal should be phased in over a three-year period to ease the financial impact. A longer transition would be undesirable because of the need to reduce pressure on some of these waterways. **We recommend that the Rivers Only discount should be ended on all Trust rivers. The change should be phased over a**

³⁹ 375 with home moorings, 438 without.

period of three years to ease the financial impact on those affected. That would raise an obvious question as to whether a separate Rivers Only licence is needed at all.

78. We have been told by the Trust that there are a small number of waterways for which it is responsible but where, because of gaps in the legislation, it does not have the ability to charge licence fees. This is an anomaly which could lead to over-concentration of boats on those waterways. **We recommend that any waterways where the Trust is the responsible navigation authority but where it currently has no power to issue licences should be brought within the scope of the licensing provisions.**

Section 4: Enforcement

79. We referred in paragraph 3 (vii) to the very large number of enforcement cases. The number of open cases fluctuates daily but at the time of writing stood at 5,725. Categorisation is complicated because routes to enforcement can overlap. The Trust has, however, told us that:
- i. 177 of the open cases relate to business licences.
 - ii. 5,003 cases relate to a failure to hold leisure licences. The large majority are opened either because boats have been sighted on Trust waters without a licence or because a licence has expired without being renewed. 826, however, relate to cases where an application for continuous cruiser licence renewal has been made but been refused because the Trust was not satisfied that the boat has been or will be used in a way compliant with the bona fide navigation requirement.
 - iii. 429 cases concern boats where early warning letters have been issued because of inadequate evidence of compliance but where valid licences still exist. These boats may be able to renew their licences in due course either if they move sufficiently during the remainder of the licence period or if they are able to move to a home mooring.
 - iv. There are a small number of cases relating to issues like non-display of the boat's index/registration number (70) or holders of Rivers Only licences navigating on canals (25). Some of these may already have had their licences terminated (and are therefore included in the 5,003 figure above).
80. It became increasingly apparent as our work progressed that the effectiveness of the way the Trust's licence terms and conditions are enforced is the second main issue for us. There is little point in the Trust changing its movement requirements if it is unable to enforce them. If it is to exercise its responsibilities in respect of the waterways under its ownership⁴⁰ and control, albeit held in trust for the public, it is crucial both that the Trust has effective powers to encourage and enforce the behaviours it reasonably determines to be necessary and that its powers are proportionate to the situation, with effective ways to hold it to account for the way it exercises them.
81. There is little doubt that the Trust's current enforcement arrangements fall short of what is needed:
- i. As already noted, they depend on a fragmented and diverse legislative base, which complicates their operation.

⁴⁰ Technically, ownership of the infrastructure is vested in the Waterways Infrastructure Trust, which is a linked charity which has the Canal & River Trust as its trustee.

- ii. They consume a lot of resources. The Trust's Boat Licence Support and Enforcement team costs the Trust £3.2 million in 2024-25. In addition, £860,000 was paid to contractors in the same period, mainly for boat removal. Internal and external legal costs amounted to a further £250,000. The total expenditure on enforcement of £4.31 million was equivalent to about £120 a year on every boat licence.
- iii. They take a long time. Completion of a boat removal, for example, takes an average of 257 days. Long timescales can create a false appearance of inaction, creating irritation and disincentivising compliance by other boaters, and can mean that the removal becomes more complex and costly.
- iv. They are less than fully effective, and a source of great frustration to Trust staff, as well as to waterways users.
- v. They are a major cause of poor relations with licence holders and fail to satisfy large numbers of them. Widely held perceptions that Trust enforcement is applied too robustly in some respects (for example extensive, expensive monitoring where there is no nuisance), and insufficiently actively in others, are very damaging to the Trust's reputation. These perceptions do, however, often fail to recognise the constraints under which the Trust operates where a boat is someone's home, the ease with which enforcement can be stymied, for example through a change of boat ownership, and the length of time enforcement action can be required by the law to take.
- vi. Mechanisms for contesting or appealing against Trust decisions have been criticised as insufficiently clear and difficult to access, especially for more vulnerable people, not least because of limitations on the availability of legal aid. One of our respondents compared them unfavourably with the safeguards associated with enforcement activities relating to land-based housing.

The importance of safeguards

82. Any new enforcement powers given to the Trust, however well justified, are likely to prove controversial to those with concerns that the Trust might use them capriciously. It is essential that, as part of a reform package, very careful consideration is given to appropriate and proportionate safeguards, including rights of straightforward appeal without having to go to the Courts, possibly involving the Waterways Ombudsman. We have heard concerns that the Ombudsman may be predisposed to favour the Trust, as its costs are met by the Trust. We do not believe that the source of funding necessarily affects the objectivity of an ombudsman's decisions.⁴¹ We do think, however, that there is a strong case for looking at the constitution of the Waterways Ombudsman

⁴¹ The Housing Ombudsman, whose services are funded by registered providers of social housing, has proved capable of holding the same providers to account.

arrangement again. Possible changes might include, for example, putting the role on a statutory basis, like other ombudsman schemes. They could also include giving the service the power to make “special investigation reports” as the Housing Ombudsman can when it identifies a general issue arising from a complaint or series of complaints.

83. A reinvigorated, free for users, independent and impartial arbiter with a focus on resolving complaints and disputes in a manner which recognises the realities of life on the waterways could be a useful part of safeguarding arrangements. **We recommend that the Trust should consult on appropriate safeguards to prevent any new or existing enforcement powers in relation to the licensing system being used capriciously.**
84. The following paragraphs consider:
- i. The use made by the Trust of one of its main existing powers – the ability to move boats causing obstructions or moored dangerously.
 - ii. Limitations on the Trust’s current enforcement powers.
 - iii. The suggestion that, in using the powers it does have, the Trust can be over-zealous and/or inefficient; and
 - iv. Steps which could be taken to facilitate effective enforcement.

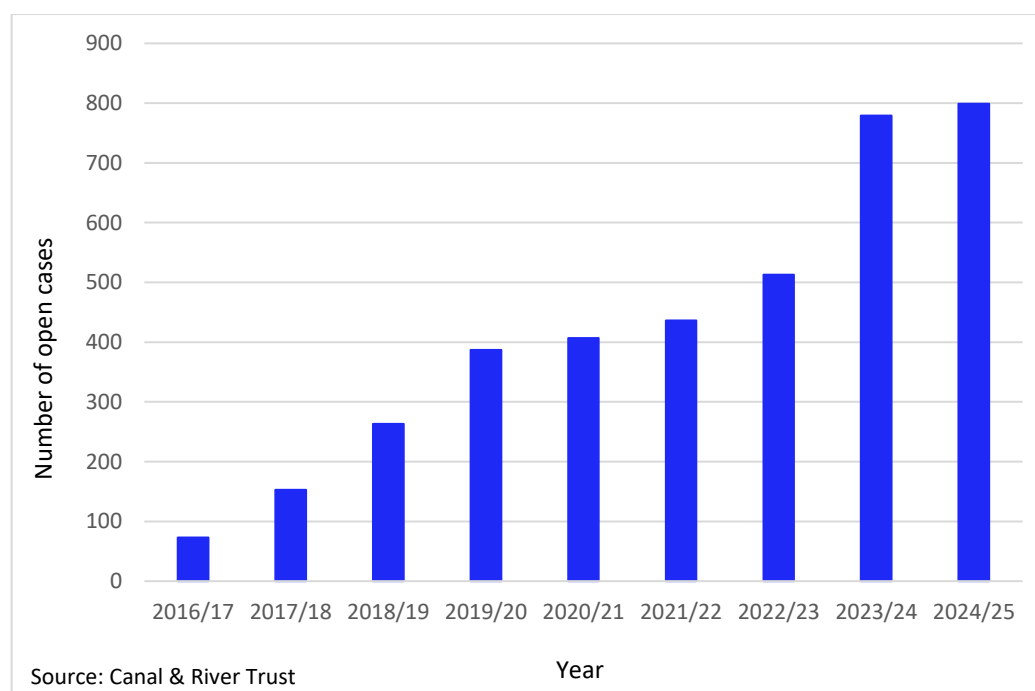
Greater use by the Trust of existing powers: boat movement

85. There is a widely held view that the Trust is insufficiently active in dealing with boats moored in inappropriate places or not moving after 14 days. We have heard numerous stories about boats perceived to be permanently moored in apparently flagrant breach of the movement requirement, boats moored in inappropriate or unsafe places with no obvious action to move them, boats visibly sinking without any remedial steps being taken, boats abandoned or sunk or needing repairs or put up for sale and left in place for long periods, and boats not displaying their index (registration) numbers, making it difficult to identify their owners when action is required.
86. Perception of boats overstaying illegitimately on moorings can be exaggerated by the large numbers of boats whose owners benefit from Equality Act adjustments. Adjustments related to mobility requirements, for example, can give boaters the right to moor for longer or to move less often. There is no obvious way for an outside observer to know whether a particular boat is owned by someone with an agreed adjustment. Currently there are about 800⁴² adjustments in force, of which 720 relate

⁴² The 2022 Boater census survey suggested that the proportion of boaters reporting their day-to-day activities to be limited because of a long-term health problem or disability is considerably higher than the proportion of disabled people in the total population recorded in the 2021 census of England and Wales (17.8 per cent). In the Trust census 23.6 per cent reported limited or a little disability. 10.1 per cent reported a lot of disability.

to boats without home moorings. Of those 800 adjustments, 262 relate to boats in London and 224 to those on the Kennet and Avon Canal. The number of adjustments is growing. The reason for this growth needs to be better understood because of the potential implications for policy.

Figure 6: *The number of reasonable adjustments made by the Trust to boater licence conditions, 2016-25*



87. The Trust has powers under Section 8(5) of the British Waterways Act 1983 and Section 18 of the British Waterways Act 1995 to move to another place any boats which are causing an obstruction or moored dangerously.
88. Use of these powers may not be straightforward. Trust resources are limited. In congested areas there may not be alternative places within a reasonable distance to which boats can be moved; and we have been told of instances where moved boats have subsequently been moved back by their owners to their previous mooring. It can be discouraging for Trust staff to move a boat when it only takes the owner 20 minutes to return it.⁴³ We nevertheless suspect that there could be some truth in the suggestion that the Trust is institutionally too risk-averse in this respect. Being seen more often to be using its powers to move boats causing difficulties for other users could pay dividends if, as seems likely, the demonstration effect encouraged greater compliance with the rules. **We recommend that the Trust should be more active in**

⁴³ It has been suggested to us that an additional difficulty might be a concern about the possibility of legal action if a boat is damaged during movement. The Trust has, however, told us that an action would only be successful if it could be shown that its staff or agents had acted negligently while moving a boat.

using its existing legal powers to move to another place any boats moored dangerously or selfishly.

89. To mitigate the possibility of enforced movements becoming a futile and expensive drain on resources because owners respond by immediately returning boats to their original positions, the Trust may need to have a wider range of sanctions available to inhibit behaviour of this kind. We return to this point later.

Greater use of existing powers: The obligation to display registration numbers

90. We also believe the Trust could be more robust in reminding people that display of index (registration) numbers is a licence condition. The objective is to identify boats easily where necessary for enforcement or other reasons. We have been told that reminders are sometimes given and are very occasionally enforced, but often to limited effect because the absence of appropriate enforcement powers means that there is usually no consequence for failure to comply. This is another instance where additional sanctions might be helpful. It might also be worth the Trust considering use of a *“this boat appears to be unlicensed”* sticker, analogous to the sticker used by the DVLA for unlicensed cars.
91. In principle, boaters have an obligation to display their licences as well as the index number of their boat. In practice, the Trust appears not to insist on this. We question therefore whether it needs to continue to be a licence condition. If our later recommendation in relation to the boat register (paragraph 133) is accepted, anyone wishing to ascertain whether a particular boat is licensed would, provided the index number is displayed, be able to look that up on the register.

Limitations in the Trust’s powers of licence enforcement

92. The Trust’s enforcement activities are, rightly, constrained by the Equality Act 2010 and the Human Rights Act 1998. There are, however, additional limitations to enforcement which are not a consequence of either of these Acts. They fall under four main headings: (i) inadequate powers to refuse licences, (ii) notice requirements affecting powers to move sunk, sinking or otherwise abandoned boats, (iii) the lack of powers to use reasonable force in undertaking enforcement activities, and (iv) the absence of civil powers to use graduated sanctions in response to minor breaches of licence conditions.

Licence refusal

93. Boat licences require a valid boat safety certificate, third-party insurance and either a home mooring or the ability to satisfy the Trust that the vessel will be used bona fide for navigation. If these conditions are met, the Trust is statutorily obliged to issue a licence. It cannot lawfully refuse a licence on grounds of, for example, failure to comply

with the terms of a previous licence or outstanding debts to the Trust. It has the power to remove a licence in the event of irredeemable breaches of licence conditions or of persistent, unremedied breaches. But it cannot then refuse a new licence to the same boater, provided they apply with the correct documents. If the application is made correctly, the Trust is legally obliged to issue a new licence even to a boater who has been convicted of a serious assault on a member of staff. Subject to certain constraints, the Trust has the power ultimately to remove a boat from the water for non-payment of fees or for other reasons. It cannot, however, refuse a new licence application for the same boat even if the debt remains, nor from the same boat owner on behalf of a different boat. If an applicant states that their name is, for example, Mickey Mouse, the Trust has no power to challenge that. It must issue the licence in that name. It has no ability to verify the identity of the person making the licence application.

94. This seems nonsensical. It also seems unlikely to be what was intended by the legislators. The Trust has argued that good management of the waterways requires it to have the ability to refuse licences where:
- i. It is owed money in relation to the vessel⁴⁴ or the applicant.
 - ii. The applicant has recently been subject to significant enforcement action.
 - iii. There is a lack of suitable identification of the boat owner or keeper.
 - iv. The applicant has recently demonstrated significant abusive or threatening behaviour posing a significant risk or fear of risk to other boaters or users of the waterways, Trust employees, volunteers or contractors or to the surrounding environment.
95. We agree. We suspect that many would be surprised to learn that the Trust did not already possess these powers.
96. The most controversial new ground for refusal would probably be that of previous abusive or threatening behaviour. We doubt that anyone could reasonably object to that in principle. It would, however, need to be carefully defined to make sure that:
- i. It was not used in trivial cases;
 - ii. There was clear evidentiary proof; and
 - iii. There existed appropriate powers of fast and straightforward appeal without having to go to the expense and time commitment of a challenge through the Courts.

⁴⁴ Note that refusing a licence because of a debt owed to the Trust by a previous owner would be a significant step. It would put the onus on the new owner to enquire about any outstanding debts before completing a purchase.

while still being sufficiently flexible to deal with both single major incidents and a series of less major but repetitive incidents which collectively could be regarded as major.

97. **We recommend that, subject to appropriate safeguards, the Trust should have the ability to refuse to issue or renew licences where (i) there is clear evidence of abusive or threatening behaviour posing a significant, or serious fear of risk to other boaters or users of the waterways or to Trust employees, volunteers or contractors; (ii) there are unpaid debts; or (iii) there is lack of suitable identification of boat ownership.**
98. There is a case for adding doubts about the fitness for navigation of the vessel concerned to the grounds for licence refusal. In theory, suitability for navigation on the waterway upon which the vessel is intended to be used is already included in the licence terms and conditions. Breach of this term can result in termination of licence. But theoretically it would then be possible to make another application immediately. It is possible to make an application for a licence in respect of, for example, constructs consisting of several planks attached to a couple of barrels or for vessels which are too high or too wide to pass through bridges. Adding non-suitability for navigation to the statutory reasons for refusal of a licence would, consistently with its status as owner of the waterways, increase the Trust's powers to prevent manifestly unsuitable vessels from coming on the waterways and in so doing reduce its costs of managing the issue once the vessel is on the waterways. We understand that this could be done without preventing the Trust from agreeing to, for example, the mooring of floating two-storey restaurants, floating hot tubs or other unusual vessels under other arrangements, if that seemed appropriate. **We recommend that the Trust should consider the addition of lack of fitness for navigation of the vessel concerned to the statutory grounds for refusal of a licence.**

Powers to remove vessels from the waterways

99. In addition to the power to move vessels causing obstruction, the Trust also has the power under Section 8 of the British Waterways Act 1983 and Section 13 of the British Waterways Act 1971 to remove boats from its waterways altogether. There are, however, two significant limitations on application of these powers relating to sunken or otherwise abandoned boats and to the use of reasonable force in facilitating removal.

Sunken, sinking or abandoned boats

100. The number of sunken or otherwise abandoned boats is a significant issue for the Trust. Sunken, sinking or otherwise abandoned boats are not necessarily a major obstacle to navigation. But they can take up valuable mooring space. They are also unsightly, creating an impression of poor stewardship by the Trust; and they risk contamination of the waterways from leaking fuel or other substances. There is a higher possibility that they will be unlicensed. There is also the possibility that the greater the number of boats obviously abandoned by their owners, the less the inhibition felt by others on doing the same.
101. Removing a sunken, sinking or abandoned boat is expensive. We have been told by the Trust that on average it costs around £7,000 to remove a boat, though costs can vary considerably depending on ground conditions and other factors. The Trust says it paid just over £700,000 to contractors in 2024-25 on removal,⁴⁵ equating to 2.6 per cent of licence fees received by the Trust. According to the Trust, many removed boats are made of glass reinforced plastic (GRP)⁴⁶ and have no scrappage value. Cost recovery is therefore minimal.
102. It is not surprising that boats are occasionally abandoned by their owners. It is possible to buy a GRP cruiser for a few hundred pounds. The expense of maintaining or rescuing these boats when they run into difficulties means it is often easier for owners to walk away and leave the problem for the Trust. A significant number of GRP cruisers were introduced to the waterways in the 1960s and 1970s, so without meticulous maintenance may well be nearing the end of their useful life.⁴⁷ The problem could therefore grow if nothing is done about it.
103. A difficulty for the Trust is that the timetables for removing sunken or apparently otherwise abandoned boats can be lengthy. At present, before removing a non-residential sunken, sinking or abandoned boat the Trust is obliged first to issue an initial letter, if it can identify the owner, followed by a period of 28 days to allow a reply. At the end of the 28 days it is then required to issue a Statutory Notice of Removal followed by another 28-day period. Planning for removal is often not straightforward as it can involve securing a third-party contractor and lifting by hydraulic crane, which requires suitable ground conditions and access points. It can typically take a further two to four weeks. A Court order is required for residential

⁴⁵ This figure includes the cost of removing boats for all reasons, including non-payment of licence fees.

⁴⁶ i.e. fibreglass.

⁴⁷ According to the Trust's 2022 Boater census survey there were at that time just over 1,100 boats on its waterways in that year made of fibreglass, around 12 per cent of the total. Most other boats (86 per cent) were made of steel.

boats, even where they are clearly unoccupied. In these cases the process can take more than a year.

104. We see no good reason why the Trust should have to go through a lengthy procedure before removing non-residential boats which have sunk or have obviously been abandoned even if they have not yet sunk. We imagine that the purpose of the notice periods is to make sure that boats really have been abandoned and not just left in this state because the owner is sick or out of contact for other reasons. The Trust has told us, however, that owners rarely (if ever) come forward to object to removal during the statutory periods; and that if the Trust did wrongly remove a boat in a mistaken belief that it has been abandoned and the Trust has failed to take reasonable steps to try to ascertain ownership, it would be liable to pay appropriate compensation, which is a strong incentive to be careful.
105. Abolishing the notice periods for non-residential boats would increase the timeliness and cost-efficiency of removal. It would also make it easier for the Trust to take action to remove abandoned boats at risk of sinking (provided “at risk of sinking” could be adequately defined) before they actually sunk, reducing both the cost of removal and the risk of any contamination of the water from, for example, leaking fuel. If complete abolition is considered too much of a change, an alternative might be to reduce the notice period to, say 14 days unless the boat is judged in danger of sinking during that period. It might be worth considering treating previously residential boats which are abandoned and/or are sinking or have sunk in the same way. **We recommend that the statutory notice periods before the Trust can remove non-residential sunk, sinking or abandoned boats from its waterways should be removed, subject to payment of appropriate compensation if the Trust is mistaken in its belief that the boat has been abandoned.**

Reasonable force

106. A second, significant limitation on the Trust’s ability to remove boats from the waterways arises when it is attempting to do so for other reasons like non-payment of licence fees. These removals can be complicated by the fact that affected boats may have people on board who resist,⁴⁸ sometimes supported by other members of the boating community. Trust staff or their agents currently have no powers to enforce boat removal when they encounter physical resistance. We understand that there is nothing equivalent to the power possessed by bailiffs to use “reasonable force” during Court-ordered evictions from property on land or to the similar power available to landowners removing trespassers or to train operating companies enforcing their byelaws. The Trust can request a police presence to prevent a breach of the peace. But the police do not have the power to enforce the removal.

⁴⁸ Though the Trust has told us that most people in this situation do leave their boats when asked.

107. Contested boat removals can become fraught and dangerous; and involve lengthy stand-offs, consuming a good deal of time for police, other statutory agencies and Trust staff, without necessarily leading to a resolution. They can also add considerably to the stress levels of the (sometimes vulnerable) owners of the boats concerned, even on occasion leading to their arrest for breaches of the peace or possession of offensive weapons. This is not a happy situation for any of those involved.
108. The Trust has argued that it should be granted the power to use reasonable force during boat removal on the grounds that:
- i. It needs to have the tools it reasonably requires to exercise its necessary functions effectively.
 - ii. It could reasonably expect to have powers to implement a Court order relating to boat removal analogous to those possessed by bailiffs implementing a Court order relating to properties on land.
 - iii. Knowledge of the existence of the power would make it less likely that it would need to be exercised.
 - iv. The possibility of using reasonable force to restrain an owner from boarding their boat while removal is taking place, or removing them if they are on board and refuse to move when removal begins, would reduce the frequency of prolonged stand-offs; and
 - v. It would also have the effect of reducing the stress on the owners of the boats concerned and make it less likely that the process would end with them being arrested for breaches of the peace.
109. Granting the Trust the power to use reasonable force, whatever the precedents elsewhere, would be a significant step and likely to be very controversial. We have no doubt that it would be welcomed by some because of the greater effectiveness it would bring to ensuring compliance with licence terms and conditions. But others would have concerns relating to:
- i. Doubts about whether the Trust does enough effective intervention, early enough, to prevent boaters getting to the point where boat removal becomes necessary;
 - ii. Doubts about the existence of sufficient protection for boat owners against wrongful removal; and
 - iii. Worries about the way the Trust would exercise reasonable force if it had the power.
110. If the Trust wishes to pursue the possibility of being granted a power to use reasonable force in defined circumstances, in our view an essential precursor is effective

consultation both about the case for it having the power and the safeguards which would need to surround it if granted.

111. Making the case successfully would require:

- i. Clarity about the circumstances in which the power could be used. We assume that, as with evictions on land, it could only be exercised in pursuance of a Court order.
- ii. Assurance that the Trust has followed an adequate process and has done everything reasonably possible to prevent situations reaching the point where removal becomes considered necessary.
- iii. Assurance about the ability of owners whose boat is in danger of being seized to challenge wrongful seizure and have their point of view adequately represented in Court.

We have been assured by the Trust that Court orders are only issued once the Court is satisfied that it is appropriate and lawful; that the Court will not issue them without first assuring itself that the proper procedures have been followed; that the process allows opportunity for the owner of the boat concerned to make representations; that legal aid is available and that appeal is possible. We have been concerned, however, by what we have been told by solicitors advising boater clients whose boats are subject to Court proceedings about (a) serious limitations on the availability of legal aid; (b) the difficulty of determining how and to whom to make an appeal before an issue reaches Court; (c) legal barriers to removal that in some respects are less stringent than the rules relating to Court orders for home repossession; and (d) the difficulties some boaters face in understanding the process in which they are involved and its potential implications.

In principle we would expect the safeguards for the individuals affected by residential boat removal to be very similar to those relating to home evictions on land, unless any difference can be justified by different circumstances.

- iv. Similar assurance about the way reasonable force will be exercised if it were granted and the training which would be provided to anyone exercising it on the Trust's behalf.

We understand that there is considerable guidance about the parameters of "reasonable force" when used elsewhere. It would not be reasonable to attack someone resisting a Court order. It would, however, be likely to be considered reasonable to remove from a boat anyone who is obstructing the lawful exercise of the Court order. Unlike land-based evictions, the Trust would not be able to use Court-appointed bailiffs because of the applicable legal framework. It has told us, however, that, if the power existed, it would only be exercised by

certified bailiffs trained and familiar with the way it can be applied within the law. Further safeguards are that boat removals always require a prior risk assessment and senior manager sign off, that body cams are always used, and that criminal sanctions can be applied to anyone exercising force on behalf of the Trust in an unreasonable or disproportionate way.

- v. Adequate arrangements to make sure that responsibility for vulnerable owners of removed boats who become homeless as a result of the removal is accepted by the appropriate local authority in a sensitive and timely manner.
112. In our view the Trust should only be granted the power to use reasonable force while implementing Court-ordered boat removals if it is able to provide sufficient assurance on all these points.
113. **We recommend that the Trust should consult widely on (i) the case for granting it the power to use reasonable force as a last resort when removing a boat subject to a Court order and (ii) the safeguards which would have to be in place if the power were granted. Boat removal should only happen after all reasonable steps have been taken to avoid it becoming necessary.**

Graduated sanctions

114. The third area where we believe the Trust's powers of enforcement of licence terms and conditions to be deficient is the range of sanctions available. The only real sanction is removal of a boat from its waterways. As we have argued, complete removal, as opposed to moving a boat further along the waterway, is, however, a serious step which should only be used as a last resort. It is also resource intensive, takes time to organise and is costly. It should ideally only be employed in extreme circumstances.
115. The Trust does in principle have the power to levy fines using byelaws.⁴⁹ But to do so it must go to the Courts and meet a public interest threshold, as well as the criminal standard of proof (i.e. beyond reasonable doubt rather than the civil standard of on the balance of probabilities). It has not in the recent past made much (if any) use of the byelaws, partly out of a reluctance to criminalise boaters and partly out of a belief that most of those to whom it might apply would be unlikely or unable to pay.
116. We suspect the Trust's ability to influence behaviour in desirable directions would be enhanced if it had civil powers giving it the ability to levy graduated fines for breaches of licence terms and conditions analogous to those possessed by a local authority in relation to parking, with analogous safeguards. The main objective would be to discourage wrongful behaviour, not to profit. The fines would probably need to be

⁴⁹ It also has the power to charge for the cost of towing a boat away from a dangerous or otherwise inappropriate mooring.

collected by an external agency, with non-payment resulting in non-renewal of a licence. Precedents have already been set in the Trust's commercial moorings business and by fines levied in relation to breaches of mooring restrictions around the Olympic Park during the London Olympics.⁵⁰

117. **We recommend that the Trust should have the civil power to levy fines on licence holders in response to breaches of its licence terms and conditions and on towpath users in response to behaviours detrimental to others, like fly tipping. In cases involving boaters, if a fine remains unpaid for over 21 days, the Trust should have the power to tow a boat away until both the initial debt and the cost of towing and storage are paid.**
118. Fines may have limited effect on those with limited resources and/or low value boats. But a cumulation of unpaid fines (where there is no legally acceptable reason for non-payment) could be a justification for refusing licence renewal if our previous recommendation about justifications for licence refusal is accepted.

Byelaws

119. The byelaws referred to in paragraph 115 are an additional complexity in the legislation affecting Trust waterways. The byelaws include provisions which, for example, make it illegal to swear in the vicinity of a canal. Most waterways users are likely to be unaware of them; and, for the reasons given earlier, the Trust never uses them to prosecute. The Trust believes that any parts of them which are relevant and useful are also covered by licence terms and conditions and can therefore in theory be enforced through that route. The byelaws do have the potential advantage that, unlike the terms and conditions, they apply to towpath users as well as those on the waterways. But any towpath behaviour which would meet the threshold for prosecution under the byelaws is also likely to be covered by powers the police have to prosecute; and the police have powers of investigation which the Trust does not. If the byelaws are not used, and are unlikely to be used, it is arguable that they should be extinguished as part of a simplification of the regulatory framework. The Trust has told us, however, that it does not believe that to be worth the time and effort required. It also believes them to have some residual value as an occasional deterrent. We are not therefore recommending abolition, though we do think the Trust should keep the possibility of abolition under review in the event of any significant legislative change being introduced.

⁵⁰ Another analogy might be the late payment charge of £150 which in principle applies to any boat which is on the waterway unlicensed for more than one calendar month without a valid licence. The difference between a fine and a charge is not always obvious.

Over-zealous or inefficient use of existing enforcement powers

120. We have heard complaints about the Trust's over-zealous use of its existing powers as well as complaints about lack of enforcement.
121. One section of these complaints relates to the boat movement requirement. They often come from those who contest the legality of the way the Trust interprets and enforces bona fide navigation. This is usually presented as a legal point. However, it sometimes appears to be a matter of principle related to what is seen as unwarranted interference with a lifestyle choice. The Trust insists that its interpretation of the legal position has never been successfully challenged. If doubts about legality did have any validity, however, they ought to be dealt with by a new, better defined movement requirement, we have recommended. The point about lifestyles is more difficult to address. We have, however, made a potentially relevant recommendation in Section 7 of this report.
122. We are aware of other complaints about enforcement from:
- i. Boaters who know they may be breaking the rules but do not see why that should be regarded as a problem, for example when overstaying on a short stay mooring for which there is no obvious demand from anyone else.
 - ii. Boaters who regard themselves as, and generally are, compliant with the rules but who have occasionally found themselves receiving, and resenting, a formal letter about what they regard as a relatively minor breach of the requirements, particularly when they believe it to be based on wrong or incomplete information.
 - iii. Boaters who believe the Trust has made an error.
 - iv. Boaters who have been allowed by the Trust to renew their licence for six months only. The Trust has told us that this is intended to give the boater concerned the opportunity to demonstrate that they are meeting the movement requirement before a licence is renewed for a full one-year term, as an alternative to refusal of a renewal. Some boaters have experienced this an additional complexity especially when it makes the boater ineligible to bid for winter moorings.
123. We have some sympathy with the first of these. We understand why some boaters may feel that attempts to address issues of overcrowding in urban areas in a one-size-fits-all way could create unnecessary restrictions on their enjoyment of other areas of the network where there is plenty of space. We do not underestimate the difficulties. But we hope it should be possible to find some way of recognising this in the design of the new movement requirement.

124. We cannot judge the justification of the complaint that the Trust is too inflexible, or too quick, in dealing with relatively minor and possibly unintentional infringements of licence conditions. However, we have heard it sufficiently often to think it worth the Trust reviewing the way in which it deals with these cases. **We recommend that the Trust should review its initial approach to licence holders it believes may have breached their licence conditions in minor ways without causing a nuisance to make it more customer-friendly and positive.**
125. There is a more general point about enforcement communication. It is the responsibility of a boat owner to ensure that they have provided the Trust with up-to-date contact details when applying for a licence or licence renewal. But internet reception on some sections of the waterways can be poor; and postal or in person deliveries can be erratic or impossible when a boat is moving around. Particularly, but not only in situations where someone's home is at risk, the Trust has an obligation to ensure that communications about significant enforcement action have been received before any action commences; and, where possible, that other agencies who might be able to help vulnerable boaters' understanding of the implications have been engaged. Ideally this would be done by phoning or visiting. Early conversations could save much distress and expense later. It can also sometimes help with what could otherwise become difficult exchanges if those subject to enforcement are reminded of the possibility of appointing an agent to act on their behalf. The Trust has told us of its belief that it generally does meet its obligations to serve enforcement notices, often by affixing them on the boat concerned and taking photographs as proof of delivery, and that it often does attempt to phone boat owners. Successful contact can, however, be difficult, if the relevant boat owner has no desire to be contacted and/or has vulnerabilities which make communication and engagement difficult.
126. It might help with communication if the Trust allowed additional contacts to be added to the (up to two) named people responsible for the licence and boat. The additional contacts could be useful in emergencies and for ensuring all information reaches all likely crew. Given the age profile of boaters, named licence holders may be unwell or on extended holidays abroad.
127. In relation to the third category of complaints, it is important in our view that, before using any new or existing powers, the Trust makes sure that it has sufficiently good systems to provide it with all the relevant information about a particular case both to make sure that it is not acting unfairly and to avoid unnecessary expense. We have been told that difficulties have sometimes been caused by shortcomings in the Trust's financial systems. We are not in a position to assess the validity of this assertion. As in the case of the previous recommendation, however, we have heard it sufficiently often to think it worth the Trust looking into it to provide assurance to its Board as well as to waterways users. **We recommend that the Trust should review and regularly check**

the robustness of its arrangements for ensuring the accuracy and completeness of the information it uses before issuing overstay or other notices.

Account blocking

128. If a boat is in the Trust's enforcement process, the Trust may "block" the boater's account. This prevents payment for a new boat licence or other services like provision of a winter mooring, even though the boat concerned remains on the water. The Trust say that this is to avoid a situation where a licence or winter mooring is issued automatically by the system and then has to be rescinded. The effect is to prevent direct debit payments being made to the customer's account, though the Trust has told us that other forms of payment into the account can be made. The advantage to a boater of being able to make payments on account is that the boater will have continued to include the amounts in their household budgeting and, if they are on income support, in their benefit claims. If the dispute is settled and the licence issued, funds will then be in place to cover the arrears; and any problems relating to claims for housing benefit or the equivalent can be avoided.
129. We have encountered some confusion and uncertainty about the way these arrangements operate. **We recommend that the Trust should consider whether the blocked account arrangements are working effectively and are fit for purpose, particularly in the way they affect more vulnerable boaters.**

Facilitating enforcement: monitoring boat movements

130. We pointed out earlier that, even if the need to demonstrate bona fide navigation is changed, the Trust will still need to monitor movements, at least in busier areas where there is a high demand for unallocated moorings, in some popular sites in the more popular months for navigation and when large numbers of boats are on their way to festivals. At present movement monitoring depends on towpath observation and recording covering most or all lengths of the towpath every 14 days. One way of simplifying this and potentially reducing costs would be to focus more on areas where there is a history of moorings not being shared fairly. Another would be to use technology in the form of transponders or other tracking devices. We understand the Trust is already looking at the possibilities in this area.
131. Universal take-up of monitoring devices would not be necessary. Trackers could, however, be made compulsory in the case of boaters where there is clear evidence of past failure to comply with the movement requirement, particularly in congested areas.⁵¹ That would make it easier to monitor future compliance and give more assurance to other boaters that everyone is following the same rules. Subject to

⁵¹ Other things being equal, reception is likely to be better in the urban areas where congestion typically occurs.

consideration of any cost implications for the Trust, tracking devices could also be optional for boaters who wished to use them voluntarily as evidence of compliance. **We recommend the Trust should have the right to fit a tracking device to any vessel where there is clear evidence of a failure to comply with movement requirements, particularly in congested areas. Boaters should also be given the right, but not the obligation, to install a Trust-approved tracking device on their boat to provide evidence of compliance.**

Facilitating enforcement: a boat ownership register

132. We noted earlier the large number of boats on Trust waterways failing to display their index/registration number. We are aware of the difficulties the Trust can encounter in determining ownership of boats which are suspected of licence evasion or other breaches of licence terms and conditions. It is possible that some of these identification difficulties could be mitigated by building on the existing registration arrangements to create a more detailed self-funded boat ownership register where both the boat and the owner are registered.
133. A permissive register might have advantages to anyone contemplating purchasing a boat by indicating ownership (although it would not constitute proof of title) and would help owners who might otherwise struggle to demonstrate their ownership. It might make it more difficult for fraudsters to sell boats they do not own; as well as restrict the capability for money laundering. The register could also potentially be a gateway into state benefits and subsidies and exemptions (for example, if the register included details of thermal efficiency, engine type etc.). Cost and administrative implications⁵² would need to be balanced against the advantages of a better understanding of the legal title for those buying or selling boats, the importance of being able to identify ownership of boats and their owners against whom action needs to be taken (including in dealing with sunken, sinking or otherwise abandoned boats), fraud prevention, and creation of a central record of, for example, boat safety certificates and insurance and, potentially, of fines. A register of this kind would need to be designed carefully and introduced over a period time with its costs covered by the fees charged. **We recommend that the Trust should develop the existing boat registration system into a publicly available ownership register, with owners being required to provide the information necessary to complete the register at the time they apply for a new licence or for licence renewal. The cost of the register should be met by fees paid by the applicant.**
134. If the register is designed to include details of any outstanding debts due by the boater to the Trust, that would reinforce the ability we have recommended the Trust should

⁵² It has been suggested to us that likely administrative complications could be overstated and that the successful introduction of an ownership register for horses and ponies, despite initial concerns about its practicality, shows what can be done.

have to refuse a licence to a new owner until any debts had been paid. Debt information would not need to be included in the public part of the register. A purchaser could, however, be able to request its disclosure from a vendor.

Facilitating enforcement: entry to the waterways

135. For understandable reasons, there is very little control over physical entry to the network over which the Trust has jurisdiction. Any owner of a narrowboat, GRP cruiser, paddle board, canoe or other vessel can introduce their craft to the water if they can access a crane, slipway or other access point or enter from another waterway not under the Trust's control. Given the cost of boat removal, it would clearly be better to prevent boats without valid licences from entering the waterways in the first place. With the objective of helping in a small way to reduce licence evasion, **we recommend that any party operating a crane, slipway or other facility subject to a contract with the Trust should be required as part of that contract to confirm the existence of a current licence before allowing their facility to be used for launching a vessel on to a Trust waterway.**

Section 5: Licence conditions

136. We referred earlier to the relative ease of obtaining a boat licence. We made recommendations in the previous section which would have the effect of increasing the grounds on which the Trust could refuse to issue a licence. In this section we consider possible shortcomings in two of the requirements for licence applications: insurance cover and boat safety certificates, particularly as they relate to the sunken boat issue discussed earlier.

Insurance certificates: proof of cover

137. As explained earlier, boaters are required to provide proof of third-party insurance cover when applying for a new licence or renewal of an existing one. They are also supposed to provide details of their new cover if the existing policy runs out before the end of the licence period.
138. We understand that in practice insurance details are currently largely taken on trust. There is no requirement for actual documents to be produced; and the Trust only checks a limited number by random sampling. So, a boater without insurance who gives a genuine insurer's name and invents a plausible reference number is unlikely to be found out.
139. We believe this to be a weakness in the system. We understand that in pre-Trust days insurers were able to provide a standard Confirmation of Cover document which could be passed on to the British Waterways Board. We do not know why this arrangement was terminated; and we have not investigated the practical and resource implications of reviving it. In principle, however, particularly given technological developments since British Waterways ceased to exist, we think there is a case for the Trust to investigate restoring an obligation on licence applicants to provide proof of insurance cover, either by production of a certificate or insurer-issued Confirmation of Cover document or by some form of information exchange between the Trust and insurance companies. **We recommend that the Trust should investigate the desirability, practicality and cost-effectiveness of different methods of providing proof of insurance as part of licence applications and renewals, rather than continuing to rely on self-certification. Failure to demonstrate up-to-date insurance when an existing policy expires during the period of a licence should be flagged in the licensing system and followed up. Persistent failure to produce evidence of up-to-date insurance after a warning should initially result in a fine and ultimately the invalidation of a licence.**

Insurance certificates: recovery of wreck

140. The fact that the insurance cover required for boat certification is only third-party is consistent with a focus on protecting others. There is no obligation for licence holders to have cover for other insurable events, including the cost of recovery if a boat sinks –

known in insurance terms as “recovery of wreck” – though we have been told that some policies do include this and that having such cover is a common condition in mooring agreements. Where cover does exist, it is only the policyholder who can claim unless other arrangements have been made. If the policyholder fails to make a claim, the Trust cannot act in their place. It would have to proceed against the insured person for payment of any costs it incurs in dealing with the boat.

141. The changes to the Trust’s powers we recommend earlier, together with the creation of a central register of title, ought to help the Trust deal more quickly with sunken or otherwise abandoned boats. But there would still be the issue of cost recovery.
142. This cost should clearly fall on the boat’s owner, not on the Trust. One obvious way of making that more likely would be to make the issue of a licence dependent on insurance cover that includes recovery of wreck. One broker has told us that, for boats in good condition, the additional cost ought to be minimal. Some insurers might, however, insist on a prior survey, particularly for boats over 25 years old; and cover might be refused altogether for boats which are poorly maintained.
143. Boats in poor condition may be less likely to be licensed. For the owners of these boats, insisting on recovery of wreck insurance cover as a licence condition would therefore make no practical difference. Moreover, a requirement of this kind could have the perverse effect of increasing the number of unlicensed boats. On the other hand, boats that are not in a sound condition should not in principle be allowed on the waterways in the first place, any more than an unsound car should be allowed on the roads; and as the cost of enforcement is ultimately borne by all licence holders, there is a communality of interest in dealing with the issue.
144. We do not have sufficient information about the likely cost of cover to form a clear opinion about where the balance of advantage lies. We believe, however, that both on grounds of principle and in the interests of safety the Trust should look at the trade-offs.
145. For owners of boats in poor condition who find it difficult or impossible to take out recovery of wreck cover, an alternative way of incentivising boaters not to abandon their boats might be a requirement for the payment of a deposit, refundable on removal of the boat from the waterways or the owner selling the boat. To be effective as a deterrent, the size of the deposit would not necessarily have to be the same size as the Trust’s average costs of recovery. That would be beyond the means of many. But it would still need to be a meaningful amount. **We recommend that to incentivise boats being kept in good condition and to inhibit them from being abandoned if they sink or otherwise fall into acute disrepair, the Trust should discuss with the insurance industry and consult with boaters on the practicality of insisting on recovery of wreck insurance cover or some form of deposit scheme as a condition of issuing a licence.**

The Boat Safety Scheme and Boat Safety Certificates

146. Boat Safety Certificates issued under the Boat Safety Scheme are another necessary part of a licence application. According to its website,⁵³ the scheme's purpose is *"to help reduce the risk of boat fires, explosions, carbon monoxide or pollution from boats harming visitors to the inland waterways, the waterways' workforce, other waterway users and property on or alongside the waterways"*. Certificates are issued by independent inspectors. Boats without gas, electrical, heating or fuel systems are exempt.
147. The state of gas, electrical, heating and fuel systems on a boat are important aspects of protecting the safety of those aboard and, depending on where and how it is moored, of surrounding boats and property. But the scheme does not cover other important aspects of safety. In particular, inspection does not assess the risk of a boat sinking. That would require looking, for example, at stern glands or the existence of a functional bilge pump to deal with rainwater or leakages. It is possible for a sunken boat to be in possession of a current boat safety certificate.
148. We have been told that the main causes of boats sinking are poor boat handling⁵⁴ or maintenance rather than the presence or absence of things like bilge pumps. We also understand that a complete assessment of the risk of sinking would need to include inspection of hull integrity, requiring a boat to be taken out of the water and examined by a trained surveyor. We think that would be disproportionate. Even so, we believe it a weakness of the boat safety scheme that it does not cover the risk of sinking at all.
- We recommend that the Trust should amend the Boat Safety Scheme to include proportionate checks which would reduce the risk of sinking.**
149. We are aware that the scheme is shared with other navigation authorities and that, although complete uniformity is not legally required, there are considerable advantages for boaters who travel widely in not having to satisfy different safety criteria when entering waterways not looked after by the Trust. We believe, however, that ability to navigate safely and reliably ought to be an important factor for all navigation authorities. Indeed, the standards applicable to, for example, deep or fast-flowing waterways ought to be more stringent than for canals.
150. New boat safety certificates are currently required every four years. We have been told by the Trust that it has the power to require a new boat safety certificate if it has evidence that a boat has ceased during this period to meet the required standards, even though an existing certificate is still current. We understand, however, that this

⁵³ <https://www.boatsafetyscheme.org>.

⁵⁴ We have been told that some hire companies and some insurers offer discounts to holders of recognised helming certificates. It has been suggested to us that the possession of a helming certificate should be made a licence condition. While training in boat handling should clearly be encouraged, we do not think it should be made compulsory.

power is rarely used. A lot can happen to a boat over a four-year period in terms of deterioration and alterations. We believe there is a strong case on safety grounds for requiring an updated boat safety certificate every time the ownership of a boat changes. **We recommend that a new boat safety certificate should be required within three months of a boat being transferred to a new owner, unless a new certificate has been obtained within a defined period (we suggest three months) leading up to the sale.**

Boats in poor condition and a scrappage scheme

151. Our hope is that the combination of a requirement to include recovery of wreck in insurance cover or paying a deposit, the creation of an ownership register and a civil power to levy fines could over time make a significant difference to the number of sunken boats on Trust waterways and reduce costs.
152. One of the reasons for the number of sunken boats is, however, that there appears to be no culture of scrapping boats. We have been told that some boats are allowed by their owners to limp along well after their habitable condition and useful life have come to an end. One solution for this might be for the Trust to pay owners a small amount to have their boat scrapped. There would clearly be a cost. It might, however, save money in the longer term by getting derelict and unsafe boats off the system promptly and be more effective for the Trust than trying to identify financially stretched owners when boats have been abandoned. The boat concerned would have to be licensed to be eligible, providing an additional incentive for licence compliance. **We recommend that the Trust should consider the case for a scrappage scheme to encourage the removal from the waterways of derelict or unsafe boats.**

Other licence conditions

153. Some respondents have suggested the need for additions to the licence terms and conditions to cover environmental issues. The terms and conditions already include a provision that generators should not be used between 8 pm and 8 am and prohibitions on obstruction of the towpath or its use for storage and on discharging into the water anything other than unpolluted surface water or water from sinks, showers, washing machines and dishwashers. They also include a request to use only phosphate-free detergents. In addition, in some areas boaters may be subject to legal controls on the use of wood or coal for heating. We have not seen in our enquiries a convincing case yet made for significant extensions to these conditions. It is true that the network has a problem with fly tipping, but this in some cases is caused by others accessing the towpath rather than resulting from the actions of boaters. We believe fly tipping could more appropriately be addressed by giving the Trust the same powers as local authorities to levy fines (see earlier).

154. The Trust should always be alert to environmental issues and take positive steps wherever economically possible where this would improve the condition of the waterways or the lives and experience of boaters using them. We have no reason to believe that the Trust is not alive to this. It is rightly proud, for example, of the extent to which its network has achieved green flag status. We hope that it will continue to seek further improvements. While not a part of our terms of reference, we suggest that, if funds could be made available, the Trust could consider investing in start-ups which support these outcomes, perhaps in partnership with other funds like Big Society Capital.

Section 6: Other licence-related issues

155. There are several other licence-related issues which have come up in the course of our work.

Houseboat Certificates⁵⁵

156. We noted earlier the existence of Houseboat Certificates. These certificates are available for boats moored on sites for which residential planning permission has been given. They are issued under section 6 of the British Waterways Act 1971. Contrary to general understanding of the term, the Act does not require a boat to be lived on to be a houseboat. Whether they live on them or not, holders of Houseboat Certificates are able to use their boats to navigate the waterways in the same way as holders of standard licences, even though the essential criterion defining a houseboat under the Act appears to be that it is *not* used bona fide for navigation.

157. There are currently only 43 certificates in existence. Holders now pay the same licence fees as other boaters with home moorings. As we understand it, the only additional benefits they provide over a standard licence are that:

- i. The holder has an associated right to moor at a Trust mooring site where one is specified on the certificate throughout the period of the validity of the certificate, which can be up to three years. When selling a boat with a Houseboat Certificate the holder is able to assign that right with the certificate to a person approved by the Trust. However, the right to assign only applies for the remaining time left on the certificate and so is of limited value. Moreover, if right to assign was regarded as important, it would be possible to achieve the same result through a contractual term in a Trust mooring agreement.
- ii. Holders of certificates on Trust-owned mooring sites may have the right to another residential mooring if the existing one is removed. These rights appear, however, to be the result of undertakings which are separate to the certificate and would not therefore be affected by a switch from a certificate to a standard licence. They are also personal to the individual and not transferable.

158. Houseboat Certificates seem to us to be a historical anomaly. As far as we can see, they do not cause any significant issues demanding immediate action. If, however, the Trust is seeking legislation for other reasons, it would seem sensible to use the opportunity to simplify the licence fee structure in a minor way. Existing holders should be allowed to continue to hold them until they expire, which at a maximum

⁵⁵ One member of the Commission is a holder of a Houseboat Certificate and has therefore declared an interest which has not affected the recommendation in paragraph 158.

would take only three years and, in most cases, less. **We recommend that Houseboat Certificates should be abolished and replaced by standard licences.**

Definition of historic boats

159. At present a boat qualifies for a licence fee discount of 10 per cent if it is more than 50 years old. An increasing number of Springer⁵⁶ and other boats that would not usually be regarded as historic in any meaningful sense of the term are coming within the scope of this definition. The Historic Narrowboat Club has suggested changing the definition of “historic” for discount purposes from “over 50 years” to “predating 1965”. This seems sensible to us, provided canal historians can confirm that 1965 is a significant milestone. For other craft and for rivers or coastal waters the significant dates may be different. Providing a licence fee discount for boats which are not genuinely historic seems unnecessary and likely to bring the arrangement into disrepute. The assessment criteria should be publicly available. One possibility might be to link the discount to the National Register of Historic Vessels (NRHV), so that decisions about eligibility for the discount are taken independently of the Trust. **We recommend that the Trust should initiate a discussion with stakeholders about the historic boat assessment criteria and process with a view to ensuring the associated licence fee discount is serving its intended purpose and, if it does, consider whether a larger discount would be appropriate.**

Discounts and surcharges

160. A variety of other discounts and surcharges on the basic licence fee are available for certain types of vessels. Electric boats, for example, enjoy a discount. Wide-beam boats and boats without a home mooring pay surcharges. We have not examined these arrangements in detail. As a general point, however, it is clear to us that any discount or surcharge should be determined according to basic principles related to the Trust’s corporate objectives and charitable objects, should be capable of being explained in a clear and transparent way and should be reviewed periodically to ensure it remains relevant and aligned with current circumstances. **We recommend that all fee discounts and surcharges applied by the Trust should be determined by general principles related to its corporate objectives and charitable objects, should be capable of clear and transparent explanation, and should be reviewed periodically to ensure they remain appropriate.**

⁵⁶ Springers are a popular range of relatively cheap and reliable boats. They are no longer in production.

Accounting for licence fees

161. A number of respondents to our survey expressed the view that they receive poor value for money in return for their licence fees. We suggested earlier that in part that may reflect a reaction to recent increases above the rate of inflation. It is also related to concerns about maintenance of locks and other structures and the condition and number of sanitation and other services provided by the Trust.
162. As mentioned earlier the Trust is already attempting to mitigate some of these concerns, within financial constraints, through its *Better Boating Plan*. An additional way of mitigating perceptions of poor value for money would be a clear exposition of the uses to which licence fee income is put in terms which are relevant and intelligible to licence fee payers. The Trust already does this to some extent in the analysis in its Boater Reports. This analysis references the costs of maintaining and repairing reservoirs as well as expenditure on things like waste disposal or lock gate maintenance. However, the Trust does not know how many licence holders look at that section of the Report; and while parts of the analysis will appear relevant to users, others may not. Keeping canals in water is clearly a very important part of what the Trust does. But some licence holders, whether reasonably or not, appear to regard it as a basic function that should be funded by the Government grant rather than by their licence fees. It might also be helpful to make clear how much of any expenditure which is visible to boaters but not immediately relevant to navigation, like expenditure on towpaths, is funded by third parties, not out of licence fee income. As part of improving relations with boaters in the context of the *Better Boating Plan*, **we recommend that the Trust should produce a clearer exposition of the uses to which licence fee income is put and from which licence holders benefit in terms which make sense to licence holders, building on the existing analysis in its Boater Report. It should make that analysis widely available.**

Work boats

163. Work boats, of which there are a number owned by commercial operators and not by the Trust, are currently required to have a home mooring. It is not immediately obvious to us why this is necessary. Abolishing the requirement might in a small way have the effect of encouraging more people to offer work boat services.

Boats under shared ownership

164. We understand that some boats are owned by more than one person, either through a formal agreement between different parties about sharing use and cost of upkeep or under more informal arrangements. This is often referred to as shared ownership. Shared ownership can be a cheaper way of accessing boat ownership for those who do not have the means to own a boat outright but who want more than can be provided by occasional use of hire boats. The Trust is unable to tell us how many boats are in

this category because applicants for licences are not required to provide detail about ownership.

165. Licence fees for shared ownership boats cost the same as any other boat of the same length, beam and mooring status. Other things being equal, we would expect shared ownership boats to be in use more often than average and therefore to make greater demands on Trust resources. It could be argued that would justify a higher licence fee. Our view, however, is that that would be a mistake. Extent of use is not a criterion applied to licence fees for other leisure boaters; and we believe that the Trust should be encouraging access to boating for those for whom it would not otherwise be affordable or cost effective, not creating a disincentive.
166. The Trust has told us that it is involved in several ongoing disputes with organisations which it believes are operating sham shared ownership models by applying for private boat licences in the name of boat owners who are paying these companies to rent their boats to others for profit. In the Trust's view these arrangements should be subject to a business licence.

Tenders

167. Tenders, defined as small boats not more than three metres long that are carried on, or towed by, a licensed boat, do not require separate licences. Butties (i.e. unpowered boats towed by another boat as part of a pair) and tenders more than three metres long do require their own licences. If tenders are to continue to have the advantage of free inclusion with a main licence, it is important that they are used considerately, for example not occupying bankside mooring that could be used by other boats or as access points for paddlers and anglers. They should also not be moored alongside their parent boat in a way which prevents double mooring or causes navigation difficulties for others.

Section 7: The Trust's relationship with boaters

168. We are concerned by what we have learnt about the poor relationship between the Trust and a significant number of boaters, particularly, but not only, those who live on their boats. One of the main underlying causes is the mismatch between the Trust's interpretation of the legal framework governing its licensing arrangements and the way in which a significant number of boaters wish to lead their lives. We noted earlier a tendency for many of these boaters, or their representative bodies, to view almost anything the Trust does with suspicion. The reaction to the appointment of our Commission and our terms of reference referred to in the introduction to this report is one example. We are aware of others. We have also been given examples of occasions where the Trust has been, at best, clumsy in some of its communications or dealings with individual boaters. We do not think this unhappy situation should be allowed to continue without a serious attempt being made to address it, by all sides.
169. The Trust is not and should not be a housing charity, nor a statutory housing provider. Taking on housing responsibilities would be outside its charitable objects and its core competencies. But it still needs to recognise the needs of those living aboard boats on the network for which it is responsible. Our impression is that the Trust has not yet fully come to terms with the effect of housing shortages and economic conditions on the nature of the population of its licence holders. In consequence it has not yet adopted a coherent strategy about how best to respond to it.
170. It is our hope that the changes to movement requirements we have recommended would, to some extent, mitigate one of the main causes of unhappiness and provide a good opportunity for Trust and stakeholders to take stock and reset the relationship. **We recommend that the Trust should reassess the way it communicates and works with boaters and attempt to improve its relationships with them, particularly with liveaboard boaters.**
171. If a reset of relationships is to be successful, even partially, it will need to be based on effective consultation about any reforms resulting from our report and genuine, inclusive and sustained engagement with boaters going forward. Many boaters are passionate about the waterways and have knowledge and skills they would be delighted to contribute. It will also depend on the Trust stepping up its efforts in campaigning and using its influence with Government departments to help find ways to address the difficulties caused for liveaboard boaters by issues like not having a land address for purposes of banking, car insurance, health care, local authority managed concessions like bus passes, and blue badges for those with disabilities.⁵⁷

⁵⁷ We understand that the Trust is already engaging with Homeless Link and Crisis to learn about how they have supported people who do not have a fixed address or postcode to access services and how

172. We have been impressed by what we have learnt about the activities of the Trust's small welfare team of five people. The team supports individual boaters in relation to, for example, applications for housing benefit or the housing element of unified credit, registering with GP services, signposting to other organisations like Citizens Advice and the Waterways Chaplaincy, helping in applications for Equality Act adjustments or otherwise supporting boaters who are in crisis or having difficulties in adhering to licence terms and conditions. The Trust also occasionally advocates for boaters with Government departments to highlight the needs of the boating community when legislation which might impact on them is being considered. It is our impression, however, that this advocacy has focused mostly on issues like the planning framework. We suspect there is more that the Trust could do by way advocating for greater support for the needs of liveaboard boaters as a group and engaging more with Government on housing policy, for example by feeding into the homelessness strategy. In our view, effective advocacy of this kind would be consistent with its charitable objects, including those relating to inclusion.
173. The Trust's ability to take on this role does, however, have limitations. Its welfare team can have a conflict of interest in dealing with difficulties between individual boaters and its employer. Staff performing these roles are generally only qualified to signpost to other services. They are not necessarily specialist advisers in housing, benefits, debt or immigration unless they have had prior professional experience. The Waterways Chaplains' religious mission, however lightly worn, may deter some boaters who do not identify as Christian. Local statutory or voluntary agencies may not have sufficient cases to build a base of expertise. Boater user groups often do have considerable experience and expertise, but may face resource constraints. There does not appear to be a single point of reference for the specialist knowledge needed for people living on boats. In addition to the standard specialisms of advice work, a knowledge of waterways law and current waterway authority guidance is required. It is a surprise, for example, to find nothing about living on a boat in Citizen's Advice's excellent advice resources.
174. An independent charity that collates and develops existing knowledge and expertise could ensure that boaters whose boat is their sole or main residence have effective access to public services and welfare support and are not penalised or discriminated against compared to land dwellers. An organisation of this kind could have the ability to build the necessary relationships with local authorities, NHS and education providers. The Trust may be sensitive about it having an advocacy role. However, robust informed challenge would help to ensure that regulations are applied fairly. The new charity, which could possibly be a specialised department within an existing charity rather than standalone, could also be responsible for administering any

it can link into their existing local support networks/hubs/centres supporting homelessness located around the hotspots on the Trust's network.

hardship fund that the Trust may wish to establish. **We recommend that the Trust should support and provide start-up funding for an independent charity that offers advice and advocacy to liveaboard and other boaters, including assistance with benefit claims.**

Two final thoughts

175. Inevitably, in writing this report a large part of our focus has been on particular parts of the network and particular cohorts of boaters. In framing our recommendations we have, however, tried to take a wider view, particularly since we are aware that the Trust's Boaters Survey shows much the same level of dissatisfaction about their experience of Trust waterways among boaters with home moorings as among those without.⁵⁸ We suspect that is largely related to frustration with the Trust's difficulties in dealing with boaters who do not move from temporary moorings when they should and issues like sunken boats. To the extent this is true, it is our hope that the recommendations we have made about the Trust's enforcement powers and its use of them will lead to better experiences and satisfaction levels for all types of waterways users. The other main cause of dissatisfaction is likely to be about maintenance issues, as suggested in our introduction. Addressing this issue is well outside our remit. But we share the Trust's hope that its *Better Boating Plan* will go some way to mitigate it.
176. We have two final thoughts. First, as part of the general relationship reset we have advocated, we suggest that the Trust may want to look again at the nature, process and content of its communications with all boaters. We referred earlier to one aspect of this in relation to initial engagement about relatively minor infringements of the rules. We have been given enough anecdotal evidence about other communications to make us wonder if there might be a more general issue for the Trust. One respondent to our survey, for example, contrasted what he described as the good treatment he receives as a volunteer with the treatment which, in his view, he receives as an itinerant boater. The latter makes him feel like he is dealing with a completely different organisation.
177. We have not been able either to follow up these reports in detail, or to hear the Trust's side. But we have heard enough to think that the Trust could consider whether the tone and nature of its communications consistently measure up to the high, customer-friendly standard to which we hope it would want to aspire. As part of this, it has been pointed out to us, for example, that new licence holders do not receive a friendly hello and welcome of the kind that would be regarded as normal for new customers of many commercial organisations. **We recommend that the Trust should review the tone and content of all its communications and other contacts and with boaters and**

⁵⁸ 2025 Annual Boaters Survey. In the case of liveaboard boaters, levels of dissatisfaction are higher for those with home moorings than they are for those without.

other waterways users to ensure that they are in plain English and as customer friendly as possible.

178. Our second final thought relates to the Trust's governing legislation. We have noted that some of our recommendations will require legislation if they are to be implemented. We have also drawn attention to the fragmented and disparate nature of the legislation under which the Trust performs its functions and to the problems that can cause. If the Trust succeeds in persuading DEFRA, the Government department with the relevant responsibility, to introduce legislation to implement our recommendations, there would be considerable advantage in using the opportunity to consolidate all the existing legislation in one place. **We recommend that the Trust should make the case to DEFRA for consolidation of the legislation under which the Trust operates.**

Annex 1a: The future of boat licensing review terms of reference

[As set out in November 2024]

1. Purpose

- 1.1 The purpose of the Review is to consider options for potential changes to the Trust's approach to boat licensing, to identify and evaluate alternative models for how to regulate the use of the canal network for boating that reflects the changes to its use over the past 30 years and the likely range of future uses.
- 1.2 These Terms of Reference set out the scope and principles of the Review to be carried out by an independently led Commission to be convened by the Trust.

2. Context

- 2.1. The Trust's statutory navigation, boat licensing and enforcement functions are currently contained in a patchwork of legislation, inherited from British Waterways in 2012, including provisions from original canal enabling legislation going back hundreds of years, overlaid with a number of 20th century private and local acts of Parliament.
- 2.2. The use of the Trust's waters has changed considerably in the last 30 years or so since the last Act obtained by British Waterways (in the form of the British Waterways Act 1995), which first introduced the current 2 categories of boat licence based on home mooring or continuous cruising, the latter intended to cover a small group of truly nomadic boaters who navigated continuously around the network, typically carrying and delivering goods as their predecessors had done for over 100 years, and successfully petitioned Parliament in the bill state of the 1995 Act to remove their need to obtain a home mooring.
- 2.3. The biggest change of use over this period has been the steadily increasing numbers of boaters licensed as continuous cruisers and use of vessels for full time residential purposes. A significant and growing number of those boats licensed as a continuous cruiser cannot reasonably be said to be genuinely navigating throughout their licence period and, instead, remain in one relatively small part of the network for most if not all of the time, to live and work in that area without obtaining a home mooring.
- 2.4. These vessels tend to be concentrated in areas of high demand (driven largely by the cost of home moorings or alternative accommodation in those areas and the economic opportunities available) which has created challenges for the Trust both from an operational, financial and reputational perspective.
- 2.5. These trends have resulted in high levels of non-compliance and consequent enforcement action which can result in the Trust removing residential boats from its

waters, sometimes in difficult circumstances, creating tension between the Trust and boaters subject to enforcement action and other boaters and local stakeholders who expect the Trust to actively manage non-compliance and congestion by continuing to uphold the full requirements of the current legislation.

- 2.6. The current legislation predates the Human Rights Act 1998 and the Equality Act 2010 which both have significant implications for the Trust's boat licensing and enforcement approach, particularly in relation to continuous cruisers and residential vessels.
- 2.7. The current legislation does not take account of the Trust's status as a charity with a prescribed range of charitable objects and finite resources, independent from Government – with declining Government funding.
- 2.8. In Court proceedings, judges have commented on the complexity and lack of coherence and clarity in the legislation and have urged the Trust to seek reform and consolidation.
- 2.9. The Trust's boat licensing legal framework is, therefore, considered to be in need of review and reform in order to enable the Trust to adapt to the present and likely future use of its waters.

3. Principles

- 3.1. The Review will look at the issues created by the current framework and consider what improvements and outcomes should be sought by the Trust as well as options for reform of boat licensing and enforcement which could be taken forward within existing legislation or by seeking new legislation by the Trust in accordance with the following principles:
 - 3.1.1. Clarity – clear and understandable for the Trust, boaters and other stakeholders.
 - 3.1.2. Fairness – secure a balanced approach to different boater uses and navigation patterns, with boaters collectively and individually making a fair contribution to the cost of navigation operation and maintenance taking account of the varying utility and intensity of use.
 - 3.1.3 Sustainability – reflect and cater for the long-term changes in boater use and demand, in the context of impacts on navigation, the wider local community and the environment and taking account of the Trust's long-term financial position.
 - 3.1.4 Effectiveness – enable the Trust to better manage its inland waterways to respond to changes in use and take proportionate and timely enforcement action more effectively and efficiently based on a broad consensus of views around the Trust's management of its inland waterway network.

4. Approach

4.1. The Review will:

4.1.1. Approach the issues from objective and neutral perspective, bringing a fresh perspective, seeking to build and learn from experiences of other areas of regulation and reform.

4.1.2. Benefit from internal and external input from customer service, operational, legal and other expertise.

4.1.3. Be informed by evidence and data on boat licence and enforcement figures and evidence of wider socio-economic, operational and environmental factors, which drive a number of the current challenges and will inform the choices open to the Trust for reform.

4.1.4. Seek the views of boaters and other stakeholders through consultation and other forms of deliberative engagement.

4.1.5. Consider the appropriate legislative vehicle for reform and the Trust's approach in meeting any procedural requirements such as consultation and publicity.

5. Governance

- 5.1 The Review will be carried out by a Commission, led by an independent chair appointed and funded by the Trust, with one appointed boater representative, likely to be an existing Council member, and one appointed Trustee, supported by a dedicated secretariat comprised of legal and boating team colleagues and others as required.
- 5.2 The Review will be overseen by the Board Boating Committee, and the Commission will provide regular updates to this Committee.
- 5.3 The Review will produce a report, with a series of recommendations endorsed by the Commission, supported by technical information produced by the Trust.
- 5.4 Upon completion, the Board of Trustees will receive the conclusions and recommendations from the Review and will respond to its findings, setting out any proposed legislative reforms to be sought by the Trust and any other changes that are accepted.
- 5.5 The Review will be carried out in an open and transparent manner subject the need to preserve a space so as not to inhibit internal discussions and the need to preserve legal privilege in respect of any legal advice provided to the Review.

6. Timing

- 6.1 The Commission will be convened by January 2025 and will seek to report to the Board of Trustees by September 2025.⁵⁹
- 6.2 The Trust will seek to implement any reforms, including any required legislative changes as soon as possible after the conclusion of the Review.

⁵⁹ It was subsequently agreed that the report would be delivered by November 2025, to give the Commission more time to produce it.

Annex 1b: The Boat Licence Review Commission – note sent to the Trust on the terms of reference

The Commission met on 14th January to discuss the terms of reference which have been approved by the Board of Trustees of the Canal & River Trust (CRT).

We reviewed each section and then ratified them.

However, we did have a few observations on them which we agreed to communicate back to the Board.

These are as follows:

1. The terms of reference set out the context for the review. We noted that there will be different opinions on context; and therefore as part of our review, we will form our own opinion on context based on available data – and where there is none, seeking to understand the underlying basis for an opinion, where this is relevant to our review and whether we can find that data from other sources. As part of this review, we are interested in understanding the different perceptions and reasons for them. This will form part of our stakeholder engagement.
2. Additionally, we tabled the charitable objects of the CRT and noted the different elements of them. We did this as a way of grounding ourselves in the need to balance each of these objects in our work; and by way of acknowledging that any scenario which we conclude is worthy of recommendation to the Board must not conflict with the ability of CRT to comply with Charity Law.
3. We acknowledged that it would be easy to focus on the enforcement of licensing in our review but noted that this is subsidiary to an understanding of the wider issues created by the current framework, as you have reflected in paragraph 3.1 of the terms of reference. Our work will therefore focus on these wider issues, of which enforcement will we suspect form a part.
4. We will seek to engage a wide range of stakeholders to help us understand the issues about licensing for each group, the ways in which we could evaluate any potential change which mitigates those issues and options which we would recommend to the Board. If any one or more option is favoured by the Board, it can then consult on it in the usual way. We will start that initial engagement early, so we are informed by it as we commence our evaluation assessment.

Andrew Cowan

Sir Chris Kelly

Penny Barber

Annex 2: Key information sources for the report

Material	Date	Link
Boat Numbers		
National Boat Count 2025 Summary	August 2025	National Boat Count 2025 Canal & River Trust
Boat Movement		
Annual Lockage Report	January 2025	Annual Lockage Report 2025
Boater Satisfaction		
Annual Boaters Survey Report 2025	July 2025	Annual Boater Satisfaction Survey 2025
Hire Boat Survey Response Summary	November 2024	Canal boat holidays get top marks - Drifters
Trust <i>Better Boating Plan</i>	2025	Our plan for better boating Canal & River Trust
Liveaboard Numbers & Provision		
Boater Census Survey Report	2022	Boater Census Survey 2022 Canal & River Trust
Boater Census Report – Challenges & Issues	2022	Boater Census Challenges & Issues
Association of Inland Navigation Authorities (AINA) Report on Residential Use of Inland Waterways	February 2011	Association of Inland Navigation Authorities (AINA) – Residential Use of Waterways
Cost of Boating		
Trust Boat Licence Fee Calculator	October 2025	Licence Prices: Canal & River Trust Licensing
Boat Licence Consultation Report	March 2023	DJS Boat Licence Consultation Report 2023
Expenditure on Boating		
Boater Report	2024	The Canal & River Trust's Boater Report 2024 Canal & River Trust
Boat Licence Terms and Conditions		
Boat Licence Application Forum	October 2025	Boat Licence Application Forum
Trust General Terms and Conditions for Boat Licences	October 2025	Trust Boat Licence Terms and Conditions
Movement Expectations		
Trust Guidance for Boaters Without a Home Mooring	October 2025	Guidance for Boaters Without a Home Mooring
Trust Equality Policy Statement for Customer Service Delivery	March 2023	Equality Policy Statement for Customer Service Delivery
Equality Act Reasonable Adjustments Questionnaire	October 2025	Equality Act Questionnaire

Annex 3: Available licence types issued by the Trust and current leisure pricing

Available licence types (2024-25)⁶⁰

1. 1 day Tees
2. 1 week
3. 1 week Tees
4. 1 month
5. 1 month Tees
6. 3 months
7. 3 months Tees
8. 30 day exp
9. 6 months
10. 6 months Tees
11. Leisure 12 months
12. Tees Barrage 12 months
13. Tees Barrage special 12M
14. Gold Leisure
15. Gold Business Holiday Hire
16. Gold Skippered hotel boat
17. Gold Business roving trader
18. BB Cadet
19. BB Fixed location
20. BB Holiday hire
21. BB Day hire
22. BB Maintenance Work boat
23. BB Roving trader
24. BB Rowing
25. BB Skippered hotel boat
26. BB Skippered Passenger
27. BB Static letting
28. BB Trade Plates

⁶⁰ Note that 'BB' stands for 'business boating'.

Current Leisure Licence Pricing (2024-25)

Licence	Long-term licence for both Canal and River			Long-term licence for Rivers Only			Short-term licence for Canal and River		
Length of licence	12 month	6 month	3 month	12 month	6 month	3 month	1 week	1 month	Explorer
Lowest fee	£704.34	£422.60	£211.11	£422.60	£253.56	£126.78	£39.13	£117.38	£146.72
Highest fee	£1,930.46	£1,114.07	£592.07	£1,091.66	£681.00	£327.48	£87.65	£222.35	£388.76
Average fee	£1,182.92	£675.89	£346.34	£699.81	£392.23	£198.88	£51.49	£149.98	£178.48

Annex 4: The charitable objects of the Canal & River Trust

To preserve, protect, operate and manage Inland Waterways for public benefit

- For navigation
- For walking on towpaths
- For recreation or other leisure-time pursuits of the public in the interest of their health and social welfare;

To protect and conserve for public benefit objects and buildings and archaeological, architectural, engineering or historic interest in the vicinity of or otherwise associated with the Inland Waterways;

To further for the public benefit the conservation, protection and improvement of the natural environment and landscape of Inland Waterways;

To promote, facilitate, undertake and assist in, for public benefit, the restoration and improvement of Inland Waterways;

To promote and facilitate for public benefit awareness, learning and education about inland waterways, their history, development, use, operation and cultural heritage by all appropriate means including the provision of museums;

To promote sustainable development in the vicinity of any inland waterway for the benefit of the public, in particular by:

- The improvement of the conditions of life in socially and economically disadvantaged communities in such vicinity
- The promotion of sustainable means of achieving growth and regeneration and the prudent use of natural resources; and

To further any purpose which is exclusively charitable under the law of England and Wales connected with the Inland Waterways;

Provided that in each case where the Trust undertakes work in relation to property which it does not own or hold in trust any private benefit to the owner of the property is merely incidental.

Annex 5: Illustration of a possible alternative movement requirement

1. The new movement requirement needs to be an improvement on the existing requirement. It will need to:
 - (a) Meet the objectives set out in paragraph 47 of the main report;
 - (b) Be easier to understand, and
 - (c) Focused in a practical way on helping waterways users to share bank and pontoon space.
2. It would have to cover obligations relating to:
 - i. **The frequency of movement.**

We have recommended that the current requirement to move every 14 days, or as is reasonable in the circumstances (for example to allow for unplanned navigation stoppages), should be retained. We have also recommended that 14 days should be defined as inclusive.
 - ii. **The distance of movement after 14 days.**

A 14-day rule by itself is not enough. It needs to be accompanied by a clear definition of how far a boat should move after 14 days have elapsed. The minimum distance should be set to be long enough to support the objective of sharing mooring space fairly, but no longer than that. Compliance ought then to be reasonably practical. The easy availability of tows over short distances would mean that an engine or other breakdown would not usually be acceptable as a reason for staying in place for a longer period than 14 days.

If a boat ends the movement in a position which is the minimum distance away from the start point, it would not matter if there were diversions to allow for practicalities like accessing water points and sewage disposal facilities.
 - iii. **The minimum distance to be covered over the duration of a licence.**

A minimum distance within the licence period of an appropriate size would be a further factor helping to share mooring space. It would also encourage wider use of the waterways.
3. An appropriate combination of these three factors would make it much easier for boaters to understand their obligations than the present notion of bona fide navigation, would remove the need to monitor more complex movement patterns and would make it unnecessary to get into the legal technicalities of determining whether the new mooring space is in “another place”. A major advantage of a set minimum distance requirement is that it would be unambiguous.

4. There is a risk that these arrangements could be undermined by pairs or groups of boaters deciding to travel back and forth over the same areas every 14 days, effectively swapping mooring spaces, thereby undermining the objective of freeing up access. We think that risk could be mitigated by making the required distance for movement after 14 days far enough. If swapping of this kind did materialise on a significant scale, the arrangements might need to be rethought and the advantage of simplifying the movement requirement would be lost.

An example

5. By way of illustration, an example of an approach combining a relatively short fortnightly requirement with a longer licence period requirement would be:
 - i. A minimum movement requirement of two complete functional locations (**flocs**) at least once a fortnight in any direction.

Every waterway is notionally divided into one-kilometre lengths or flocs identified by two letters denoting the waterway followed by three letters denoting the specific kilometre length. There are no markers to show flocs on towpaths or riverbanks. But they can be found on the Trust's interactive map.⁶¹ They are currently used by the Trust to record boat locations and monitor movement⁶² and can be viewed on individual boater accounts. Many boaters should therefore already be aware of them. Using them for a new requirement would therefore build on existing practice.

By two complete flocs, we mean that if you start anywhere on floc one you need to move through at least the next two floc lengths to moor in floc four or beyond. The movement would always be more than 2 kilometres, depending on where in a floc length you start or finish and where a mooring space can be found. Anyone who was unable or unwilling to identify flocs could still be confident of satisfying the requirement by moving at least 3.1 kilometres from their starting point. This would usually involve not much more than an hour's navigating, even if a lock or lift bridge was encountered on the way. It would also be a short enough distance to expect it to be possible for a boat to be towed if it had broken down.
 - ii. A distance covered within the licence period of at least 50 kilometres from their starting point.

By this we mean that at some point during the licence period a boater must have reached a point at least 50 flocs from their position at the start of the

⁶¹<https://canalrivertrust.maps.arcgis.com/apps/MapTools/index.html?appid=b46e3e0bda4a44a0be267df7674139a5>

⁶²<https://canalrivertrust.org.uk/boating/license-your-boat/boat-licensing-compliance-and-enforcement-team/how-we-monitor-boat-movement>

period. This is not the same as saying that at the end of the period the boat must be located 50 flocs away from its position at the beginning of the period. That is unlikely to be practical for many boaters. Though it would introduce a degree of complexity, a boater should not be able to satisfy the requirement by navigating for 11 hours or so during one day to reach a point 50 flocs away and then return the next day to a point close to the starting point. That would not meet the objectives of sharing mooring space and making use of the wider waterways. 50 kilometres is 31 miles. It would therefore require travelling further than is implied by the widely held but erroneous view that the present rules require movement of at least 20 miles from the starting point during the licence period. Our choice of a distance greater than 20 miles is deliberate.⁶³

The same distance requirement of 50 flocs from the starting point applies within all licence periods up to and including one year i.e. three months, six months and one year. If any three-year licences are issued, 50 flocs would be an annual requirement.

6. It would be possible to add to these two requirements incentives to use less visited parts of the waterway, for example by offering a discount on the subsequent year's licence fee if a boater was able to demonstrate that they had travelled particularly extensively over the network during the year.

⁶³ By way of comparison, the Trust estimates that 25 per cent of boats without home moorings currently move less than 20 kilometres in a year. 50 per cent move more than 50 kilometres.