



CONTINUOUS CRUISER MONITORING

Questions & Answers

October 2016

What we mean by bona fide navigation

We're often asked about how we keep track of what all the boats on our waterways are doing. You may have seen our friendly team out and about on the towpath noting down boat numbers. This helps us to plot a boat's movement over the course of a year and when a continuous cruising licence comes up for renewal it's this pattern we're looking at. Our sightings records are not intended to be a complete cruising log of a boat but should provide sufficient information to allow us to undertake a review.

Here's what we're looking for when we're seeing if a boat meets our expectations for bona fide navigation:

- **Range:** We look at the furthest points a boat has visited over the year, not just the total distance. While the British Waterways Act does not stipulate a distance, boaters often ask us to give them some indication of how they need to travel. We've said that it is very unlikely that anyone travelling a range of less than 20 miles (32km) would be able to satisfy us that they are bona fide navigating and that normally we would expect a greater range. If you're cruising in a smaller range than this you may run into trouble when it comes to renewing your licence.
- **Overstaying:** We check how often boats overstay, either for longer than 14 days on regular (unsigned) stretches of the canal, or for shorter periods at places like visitor or short stay moorings, where a sign will tell you what the time limit is. Many boaters will occasionally need to stay somewhere for longer due to breakdown, illness or other emergencies, so we look at overstays in light of the overall pattern of range and movement pattern. If you let us know when there is a pressing need for you to stay somewhere for a little longer, talk to us. Every year we grant hundreds of approved overstays, but we need to hear from you to be able to do so.

Examples of when we may be able to help you stay in one place for a little longer include: temporary mechanical breakdown; emergency stoppages; impassable ice; serious accident or illness (for which medical evidence may be requested); and later stages of pregnancy / immediately following a birth. You can find your local officer's details at www.canalrivertrust.org.uk/officemap.

- **Movement:** Continuous Cruiser Licences have always been intended for bona fide (genuine) navigation around our waterways, not for staying in a small area. They were originally added to the British Waterways Act 1995 as a group of very passionate boaters argued that, because they continuously cruised around such a large extent of our network, it wouldn't be fair or necessary to require them to have a home mooring as a condition of their boat licence. As well as establishing an acceptable range we're also looking for boats to be generally on the move within that overall range: for example if a boat stayed in a five mile area for most of their licence and then went on one 60-mile trip over the course of two weeks, they'd be unlikely to meet our requirements for bona fide navigation. We don't want to set a rigid pattern and we know that

sometimes boats will turn round every so often if they reach the end of a canal, revisit a favourite spot once in a while or go back to refuel etc.

- **Mitigating Circumstances:** Talk to us if you think you may not have met our requirements but feel there are mitigating circumstances. We do consider them and we work with many boaters to offer them support, either from us or by putting people in touch with better-placed organisations, but we have to know what's going on. Each case is unique and we generally look at the individual circumstances and agree, for example, a reasonable time for an approved overstay. These seldom extend over large periods of the licence unless we have made a formal adjustment, for example the adjustments we make for disabled boaters under the Equality Act.

Why do you enforce the movement requirement?

The waterways are busier today than ever before, so it's really important that we manage the waterways fairly for all boaters on our canals and rivers. This means enforcing the rules consistently so all boaters have fair access to the most popular locations – especially in places like London and Bath where some places can get very busy and the demand for moorings very high. The majority of boaters appreciate this and support the Trust's management of the available waterspace. We welcome all sorts of boats, as long as they are safe and abide by the licence terms and conditions.

How far does a boat need to move to meet the movement requirements?

The BW Act 1995 does not state a minimum distance but it does set out the requirement to use the boat bona fide for navigation throughout the licence period, and the Trust's Guidance is our interpretation of this requirement. We do agree that the law isn't precise but we have to interpret it so we can manage the waterways safely and fairly. Whilst we cannot set a universal minimum distance for compliance, we can advise that it is very unlikely that someone would be able to satisfy us that they have been genuinely cruising if their range of movement is less than 20 miles over the period of their licence. In most cases we would expect it to be greater than this. Our Guidance is based on our understanding of the law, and also reflects the views of Judges who have independently considered all the legal arguments in making their Judgments in the past.

What happens if someone can't meet the movement requirements and needs to stay in an area?

We encourage boaters to get in touch if they're having problems moving in line with our guidance: we can only help if we know something is wrong. We issue regular reminders if a boat is overstaying and communicate actively to guide people and, if someone's boat has broken down or they are ill, we can arrange for a boat to stay a little longer in an area whilst this is resolved. But it would be neither fair nor feasible to apply this to everyone who wants to confine their movement to a small area indefinitely, for potentially very long term reasons like work or school. If a boater wants to stay in a particular area then they will not be continuously cruising and this type of licence is not right for them and they should consider obtaining a home mooring.

What about vulnerable boaters?

We work hard to ensure that vulnerable boaters are supported and signpost those in need to agencies that can help them, like CAB or mental health organisations. Our welfare officer provides advice to all our staff who may be working with vulnerable boaters.

What about families – isn't it difficult for those with kids to continuously cruise?

The Trust understands that boaters with children of school age may have more of a need to stay in one area close to a child's nursery or school.

In general we don't believe that we can simply waive our licence requirements (i.e. to navigate throughout the licence period) by allowing all parents with school-aged children to remain permanently in the area of the school, given that their children may attend a particular school for many years. The choice to be on a boat without a home mooring being at the individual's discretion.

However, the Trust is in discussion with groups of boaters in this position and we are working with these groups to try to help them find a range and pattern of movement that complies with the Trust's requirements, whilst still enabling boaters to stay local to the school during term time.

To better understand the dimensions of this issue, we are also undertaking further work of our own to establish how many families there are living on the water in this way and how it is that many of those (who do meet the legal requirement to navigate whilst their children attend schools) are able to comply. For example we know that some in the boating community on the western end of the K&A have recently increased the extent of their movement and now comply with our guidance, such that we have been able to renew their full 12 month licence without any further special arrangement being introduced.

What about the people who have got used to a certain way of life?

While we are not changing any rules, we are being more proactive in telling people when we are concerned. We do recognise that in some areas communities have evolved that may not cruise in a way that meets our requirements, but it can't be one rule for some and another for the others and we have to enforce consistently. That said, we do treat each case uniquely and our team works hard to find solutions. Most of the work we do is talking to boaters and sorting out problems early. In many cases making some small adjustments to a cruising pattern is enough to meet our Guidance, while in other cases taking up a home mooring may be more suitable.

How many boats do you expect this to affect?

About 5500 boats are licensed on the basis that they do not have a home mooring and are therefore monitored as part of this process. Each quarter we provide an update on the monitoring process which can be found on our webpage at www.canalrivertrust.org/ccmonitoring

I'm worried about what this means for me: who can I talk to?

You can talk to the team in your local area: contact details can be found here: www.canalrivertrust.org.uk/officemap.

Have you got the right to do this?

We are trying to make things fair for all boaters by enforcing our rules, and the legal requirement, consistently. The legislation and our boat licence terms and conditions explicitly set out the requirement for boaters without a home mooring to use their boat bona fide for navigation throughout the licence period, and the fact that some boaters choose not to do so is not fair on the majority of boaters who do follow our rules. As the navigation authority, we have a responsibility to address this and to manage the waterways fairly and safely for all boaters.