

SC(3) - AIW387

Sustainability Committee
Inquiry into access to inland water in Wales



President

W.A. Bromley-Davenport
Lord Lieutenant,
County of Cheshire

Vice Presidents

M. James
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Founded 1954

Welsh Assembly

Sustainability committee
Inquiry into Access on inland waterways in Wales
Submission from the **Prince Albert Angling Association.**

We write to inform you of the position the Prince Albert Angling Association (PAAS) is taking re the possible introduction of statutory access rights on currently non-navigable waterways in Wales.

About The Prince Albert Angling Association

First I would like to explain who and what we are. The PAAS was formed nearly sixty years ago by ten local (“working class”) anglers, in a Public House called the Prince Albert, in Macclesfield, Cheshire, in the north west of England. Whilst the original ten do not survive, there are members who are still active within our club who remember them. At that time they didn’t have a single water of their own, they just wanted to fish in local competitions and formed a team.

Since those humble beginnings the club has grown substantially, now boasting 8,500 members from all socio economic groups, ages and genders. Those members come from all corners of the UK, including more than 500 whom are based in Wales; we not only have members in the UK but also from farther afield, in Europe and even some from the United States!

We now either own or rent some 240 waters, comprising of many miles of rivers and still-waters, from as far north as the River Liddle at the borders of Scotland, to as far south as the River Wye in south Wales and east as far as the River Wharfe in Yorkshire.

When the PAAS first embarked upon acquiring waters of their own, they did it for the same reasons as the Canoe lobby; because they wanted access to water (for fishing) that was in the possession of riparian owners, but rather than try and force the issue or demand that the riparian owners gave up their rights, we entered into agreements with those owners, where we paid rental for the piece of water they owned (not the whole river), **both parties getting what they wanted at a fair price.**

As the PAAS membership grew we acquired many more waters in the same way, eventually managing to buy the fishing rights on some, and the river/still-water

Corporate Member: Country Landowners Association **Associate Member:** Countryside Alliance

Member: ACA • NFA • Conway Valley Fisheries Association • Dee Fisheries Association • Institute of Fishery Management • Lancashire Fisheries Consultative Council
NAFC • Upper Dee Angling Federation • Mersey & Weaver Consultative Council • North Atlantic Salmon Fund (UK) • Ribble Fisheries Association
Severn Trent Fisheries Consultative Council • Ribble Catchment Conservation Trust • S.W. Cumberland Fisheries Association • Teme Catchment Fisheries Association
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outright on others. Some of the water that we now rent or lease would, at one time have been described as 'exclusive'; our members have access to our entire portfolio of waters for the 'princely' sum of £95 per year, whether they are fishing for minnows, chub, barbel, sea trout or salmon or even '**just**' taking in the peace and tranquillity of the surroundings.



Further information re the benefits of Angling

What you should also know, is that Angling Societies like our selves take environmental ownership of the waters they rent or own. We have invested many thousands of hours and hundreds of thousands pounds into the maintenance and care of our rivers and lakes, benefiting both the fish and wild life that rely on those ecosystems. We regularly liaise with the various nature bodies to enhance the habitat that is our waters, many of which are SSSIs. It is within conjecture that many have become SSSIs because of the unobtrusive nature of angling, but despite this, we frequently restrict access to these areas to our members.

Angling is a socially inclusive sport, encompassing and levelling all socio economic groups ,within a common interest. The wealthiest to the poorest, the oldest to the youngest and people from the inner cities with members of the rural community; all will happily converse and share their experiences on the banks regardless of any divisions that may be apparent in the normal day to day workings of society.

Angling can and does include people of varying degrees of physical and mental ability you don't have to be super fit or be a genius to enjoy angling, for very little money (junior membership £12) an inner-city kid (as I was) can enjoy the fresh air and benefit of our waters. There are many groups within angling who work to encourage youngsters into the countryside, away from their computers, away from crime, they are also working with the disadvantaged, with people who have physical disabilities and people who have learning difficulties, many of whom take great delight in these angling days.

The PAAS is run by a committee of volunteers each tasked with a specific role within the organisation.

Information as required by the Sustainability committee

1. We are an Angling Society and riparian owner.
2. I am the representative of the committee of the Prince Albert Angling Society. We represent 8,500 members, of which approximately 570 reside within Wales.
3. We have water on the rivers listed below.
 - a. Banwy
 - b. Conway
 - c. Cothi (own)
 - d. Clifton
 - e. Dee (own)
 - f. Dulas RS
 - g. Dulas RN
 - h. Dovey

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- i. Dysinni
- j. Gam
- k. Gowy
- l. Lledr (own)
- m. Mawdach (own)
- n. Severn
- o. Teifi (own)
- p. Towi
- q. Twerch
- r. Twymyn
- s. Wye (own)
- t. Vyrnwy
- u. Wnion (own)

v. On the above rivers we may have several lengths of water, on others single stretches; similarly there is a mixture of water we own and lease.

4. We are happy that our rights are crystal clear (see page 9-10)
5. We don't believe that we need any changes to our legal rights.
6. We have never been approached by any canoe club re access on our waters, although, I do believe they have pulled out of many, including famously the Usk agreement; and the WCA is now advising its members not to enter into any such agreement, choosing instead to break the law. We are happy to comply with the position of the Angling Trust on this matter (see pages 7-8).

7. **Other Info**

There is much other relevant info, which has been expressed by other angling and affiliated bodies that I won't go into in any depth i.e.

- a. Salmon and Freshwater fisheries act 1975
- b. The **fact** that Wales has the second highest tidal reach in the world and as a result there is a huge amount of tidal water in the rivers of Wales to which they have FREE access, not the 4% myth they try to perpetuate.
- c. The **fact** that they have **unilaterally** pulled out of all the access agreements, which were previously in place, in an attempt to show that they have no access!
- d. The WCA intransigence in accepting nothing less than total access, 365 days per year, whilst having absolutely no way of controlling their members and regardless of any impact they may have on Anglers enjoyment of their assets and the successful spawning of both endangered and other fish species.
- e. The WCA points to Scotland, a system which is still unproven and where problems are continually arising. We also point to the Population differences and the effect that the higher concentration per head, per square mile will have.
- f. The generally smaller and more intimate rivers of Wales and its predominant game fish the sea trout, same as some of the coarse species, chub in particular, will not stand the constant disturbances that will ensue from uncontrolled canoe, raft and swimmer traffic.
- g. The possible loss of revenue to the Welsh economy if the angling public stops travelling to Wales for their fishing, there were 700,000 visits to Wales in 2004-5 (Welsh fishery statistics).

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Abiding by the Law and enforcement of those laws

On perusal of the many websites and forums that proliferate through the various canoe lobbies, including CWA official website, there is an overriding impression that that the canoe associations use their own interpretation of the law to suit whatever they feel meets their requirements.

The WCA web site www.welsh-canoeing.org.uk/access/position.htm (see page 11) states that, and I quote-

*“Access to water in England and Wales is restricted due to the **common conception** that permission is needed to access and use water that is not tidal or does not have a public right of navigation...”*

-and continues further down the same page

“It is the WCA’s submission that the law in relation to access to non tidal water is unclear and lacks a definitive position...”

In their Journal Ceufad-Kayak, Access special, they acknowledge they have pulled out of agreements (see page 12)

“This will require the termination of existing agreements...”

And yet again they deny the clarity of the law whilst stating they will presume in favour of their own interests (see page 13)

“...it is our role as a governing body to presume in favour of issues that affect our sport. Until proven otherwise the WCA will presume in favour of navigation...”

Thereby inciting their members to commit trespass.

To add further injury to insult they also offer legal advice on their website (www.welsh-canoeing.org.uk/access) re clamping (see pages 14-16) should they be ‘clamped’ whilst trespassing on private land!

If you can get hold of a copy of the above mentioned access special you will see the booklet is geared to militancy and disregard of the law of the land. A Law which is quite clear (see page 9-10) also the theft act of 1968 recognises that fishing rights are private property and specifically includes an offence to protect those rights.

Meanwhile, in the submission from the Scottish Canoe Association, of which you have no doubt seen a copy, they are now quite happy to quote and work within the law, now that it suits them, (see page 17)

“So, rather than criticising Scotland’s legislation after four years, as some are doing, the priority of the vast majority in Scotland is to do what the Norwegians have always done, which is to work hard to ensure the law works, and becomes an integral part of Scottish life.”

And to further emphasise the hypocrisy of the Canoe associations my local club The ‘Manchester Canoe Club’ have fenced off the section of Land and River that they



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own/rent and they have erected signs (see page 18) stating “PRIVATE LAND, NO RIGHT OF WAY”, whilst on their website (www.manchestercanoecub.org.uk/rivers.php), they encourage their members to utilise the whole length of the river on which they are based, even informing their members that a particular land owner doesn't want them on his property, whilst also describing the canoeing attractions on his land!! (see page 19)

“The river can be paddled from New Mills or Whaley Bridge... the final weir is at roman lakes. note that the owner of Roman Lakes objects to canoeists using the river...”

I would further emphasise the difference between ourselves and the canoe lobby, I have included pages from our rule book (see page 20), highlighting our enforcement of compliance with the law, where we insist that our members are in possession of the relevant EA licence for the type of fishing they are doing and also that members must respect private property and agreed access points through that property.

We also ban members whom are prosecuted for non-compliance with EA rules or who are found guilty of or have been caught trespassing on other people's property. I again compare our position with that of the irresponsibility of the governing body for ‘paddle sports’ in Wales, ‘Canoe Wales’ (see page 21) I quote-

“ Access to water – there is no access organised by Canoe Wales, and we cannot offer you any advice on or whether to paddle. The decision to go afloat rests with the individual.

Canoe Wales position can be summarised as: There is no definitive proof that we shouldn't be enjoying the water. Whilst Canoe Wales can not guarantee that no one will object or try to take direct or legal action against you claiming a trespass, there is nothing in statute prohibiting public access, and this is not, whatever we are told, contrary to private rights.

You may also find it helpful to read the Access Special edition of Canoe Wales's magazine ‘Ceufad’ which can be found on this website:”

In the unfortunate event of the WCA getting free and unfettered access to the Rivers and Lakes of Wales, how can they control their members, or for that matter, non members, and see that they comply with any rules they may arrive at, given their complete disregard for the current law of the land?

The canoeists would have you believe that they are discriminated against and are prevented from accessing rivers and lakes, but we would say no more than anglers are. We have to purchase or rent the rivers and lakes in-order for us to gain access to these waters and have done this over many years with our members' hard earned money, to provide angling for our members, in fact, our society has endured some years of financial hardship in the past, in order to gain these fishing rights for our members. Why Canoe Wales or anybody else for that matter, now think that they can wrest those rights from our members, while not contributing anything, either financially or otherwise is beyond me.

We believe, that if the Welsh assembly were to allow unfettered access to all the rivers systems in Wales, it would impact greatly upon our rights as anglers, the value of the waters we have spent much time and money on and the environment. It would also affect the angling tourist trade as it is beginning to do so in Scotland. Anglers will



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travel abroad for their fishing holidays, rather than to Wales.

For instance, to book a holiday cottage in Wales or to even travel that distance to fish our beat of the Tywi (Towy), a particularly renowned Welsh Sea Trout River or any of our other sea trout and coarse fishing waters in Wales, would represent a huge financial gamble; would we be faced with several canoes, rafts and swimmers to make the fishing impossible? I couldn't afford to waste that time and that money.

The canoeists' freedom to paddle would be our freedom as anglers curtailed, and we have invested heavily, both financially and in time spent maintaining and looking after the rivers of Wales.

We could elaborate further on many of the subjects we have just touched upon, but at this point, I do not want to bog you down in too much detail.

We would welcome the opportunity to meet with any committee to further explain our position and discuss the way forward.

Yours Sincerley

Gino Belli

For, and on behalf of the Prince Albert Angling Society



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ANGLING TRUST



A STATEMENT ON INLAND NAVIGATION

Released 12 May 2009

The following statement sets out the Angling Trust's position on navigation of inland waterways.

The Angling Trust is the national body that represents all anglers and notes that it is settled law that there is no general public right of navigation on any inland waterway – see Appendix 1.

The Angling Trust confirms its support for the Government's and the Environment Agency's position, that the way forward, for increased access for other waters users, is by the creation of voluntary access arrangements. Angling Trust is keen to promote voluntary access agreements on all rivers where this is appropriate

The Angling Trust understands that it is not always appropriate that either angling or canoeing takes place on every day throughout the year.

The Trust does not advocate navigation or canoeing agreements on rivers:

- i) Where there is potential for environmental damage to the river;
- ii) On those small rivers where there is likely to be a significant risk of conflict between paddlers and anglers;
- iii) On those where riparian owners, whose permission needs to be sought in law for access agreements, would suffer unreasonable interference with the enjoyment of their property

In setting up access agreements, it is important to draw attention to the difference between permission to gain access across land to a river (for launching etc) and permission to navigate. Clearly both are needed to allow access agreements to work well in practice.

The Angling Trust is very concerned that governing bodies of canoeing are frequently mis-stating the law on navigation on rivers in England and Wales and thereby encouraging conflict. This makes the commissioning of voluntary access agreements less likely or even impossible. However, this will not stop the Angling Trust continuing to promote access agreements as the way of increasing access for canoeists in line with Government and Environment Agency policy.

The Angling Trust therefore encourages riparian owners and anglers to look at rivers where there have been successful arrangements for canoe access and government or local authorities to fund and facilitate such arrangements. As a means of by-passing any intransigence at a national level, the Angling Trust particularly supports the drawing up of agreements between local riparian owners, angling clubs, local canoeists and outdoor centres.

Where statutorily protected areas such as Special Areas of Conservation, Sites of Special Scientific Interest or similar are likely to be affected, Natural England, the Countryside Commission for Wales or any National Park authorities should be consulted. The Angling Trust would also expect the Environment Agency in England and Wales to advise on fishery protection aspects of any proposed agreements.

As well as contributing approximately £3.5 billion to the UK economy each year, all freshwater anglers in England and Wales are obliged to purchase a rod licence together with a permit to fish any waters. The £25 million revenue from anglers' rod licences contributes to the fisheries work of the Environment Agency in England and Wales, enabling it to pursue its statutory duty to maintain, improve and develop fisheries, as well as its other functions in relation to pollution control and conservation.

The Angling Trust's legal arm, Fish Legal, will advise members on proposed access agreements, including standard conditions, insurance, liability, signage, the provision of information and enforcement.

Ends

---NOTES FOR EDITORS ABOUT THE ANGLING TRUST---

The Angling Trust is now the single organisation representing all game, coarse and sea anglers in England. We lobby government, campaign on environmental and angling issues and run national and international angling competitions. We fight pollution, commercial over-fishing at sea, over-abstraction, poaching, unlawful navigation, local bans and a host of other threats to angling. The Angling Trust has been formed from an historic merger of six angling and conservation organisations in January 2009. Other bodies, including the Angling Development Board, will merge with the Angling Trust in 2009.

The Angling Trust:

- **Promotes** the benefits of angling for the environment and individuals
- **Supports** angling and angling interests
- **Campaigns** for anglers and the environment
- **Protects** our waterways and marine environment
- **Lobbies** government and agencies on behalf of angling interests
- **Delivers** real benefits for anglers in the UK

For further information about The Angling Trust go to www.anglingtrust.net

---CONTACTS---

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Appendix 1

THE LAW OF NAVIGATION ON FRESHWATER IN ENGLAND AND WALES

Introduction

The current position of the law is settled in that no general public right to navigate in non-tidal rivers exists in England and Wales.

While the public has the right of navigation in tidal waters (e.g. Gann v Free Fishers of Whitstable (1865) 11 H.L.Cas; Blundell v Caterall (1821) 5B & Ald. 268), this depends on the presumption of the Crown's ownership of the land beneath the water. This presumption is rebuttable and there are some instances where the tidal riverbed is under private ownership.

The presumption of rights of navigation on tidal rivers contrasts with the very limited right on non-tidal rivers. The default position is that there is no such general right of navigation. Above the flow of tide the land beneath a river or stream is privately owned so that while the public can acquire navigational rights over such waters they cannot have them as of right

It has been held that rights of navigation on inland waterways are not analogous to rights of way on land (Wills' Trustees v Cairngorm Canoeing and Sailing School (1976) SLT 162 and AG ex rel Yorkshire Derwent Trust and Malton Town Council v Brotherton [1992] 1 All ER 230).

Acquiring rights of navigation

Post-Wills Trustees, the public acquisition of a right to navigate on a non-tidal waterway cannot be based on the usual arguments used for "immemorial user" for rights of way on land. The basis of a public right of navigation in a non-tidal river should be treated as being in a legal class of its own.

Of course, as is well recognised, a public right of navigation may also arise through statute. This is the most common way in which such rights arise.

No right for use of banks

Even in the situations where the public has a right of navigation in a non-tidal waterway (whether by grant, statute or immemorial user), this does not necessarily include the right to moor or to make use of the banks of the waterway in gaining access to or leaving the

waterway. In A-G ex rel Yorkshire Derwent Trust and Malton Town Council v Brotherton [1992] 1 All ER 230, L Jauncy commented, *obiter*, that “. . .the public have no right to use the bed or banks of the river other than perhaps for anchoring in an emergency and for landing at a place where they are entitled so to do”.

Therefore, to moor and access the river in such circumstances, canoeists would need the permission of the owner of the river bank to avoid trespassing.

Remedies for the owners of fishing rights

In Rawson and Others v Peters (1972) 116 SJ 884; 225 EG 89, CA, the plaintiffs (claimants) owned fishing rights on the River Wharfe but did not own the bed or bank. They claimed an injunction and damages against defendant canoeists for interference with their rights. The case was heard at the Court of Appeal where Lord Denning decided that it was possible for an action to lie against the canoeists without proving damage to the fishing although this was not, strictly speaking, trespass to land in the usual sense. Nominal damages were awarded, with liberty to apply to the County Court for an injunction.

This case leaves fishing clubs with the remedy of an injunction against canoeists to restrain them from trespassing where there is no right of public navigation.

End.



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WCA Position Statement on Access to Inland Waters

Access to water in England and Wales is restricted due to the common conception that permission is needed to access and use water that is not tidal or does not have a public right of navigation. In other countries, access to water is unrestricted, and permits those involved in non-powered water sport to use both inland rivers and lakes.

Parallels can be drawn between access for cyclists to highways and that of canoeists to inland waters. As non-polluting vehicles that promote health and well being, there is no need to be licensed, and in the absence of facilities to improve or enhance the enjoyment of the sport there is no need to pay for the use of a natural resource. It is clear that the act of canoeing presents a minimal impact to the environment.

The British Canoe Union and Welsh Canoeing Association have been continuously advised by government to secure access to water via voluntary agreements. Access Agreements have been sought for over 50 years.

This approach has not delivered.

The supply has not met demand.

In Wales only 13 of the 300 rivers that are canoeable have any form of access agreement. Even the majority of these agreements are antiquated and fail to meet the needs of today's canoeists. They are restrictive in nature, usually permit use of small sections of rivers only and are for short periods of the year. Canoeing continues to enjoy growing numbers of participants for which sustainable access to water is essential to allow participants and rural economies to continue to benefit from what is a low environmental impact, high health promotion activity.

Recent Government studies confirm what canoeists have been saying for years: that access for canoeing is not freely available and is in short supply.

These studies have shown that access agreements cannot provide the necessary water resources needed for water sport.

50 years of negotiation has resulted in a pitiful 4% of the linear waters ways in England and Wales that are in private ownership being opened up via agreement. However, the Government decided that they way forward was to pursue further agreements in 4 study areas in England over a 2 year period. There is no guarantee that these studies will deliver acceptable agreements for canoeing. Furthermore, in England and Wales there are 7816 rivers to address.

The WCA does not accept that further access to water can be delivered by utilising the same methods that have failed again and again.

The WCA feels that a solution can only be achieved with a mechanism of access similar to that of the Scottish Land Reform Bill. Legislation is required to enshrine and enhance the right of access to the water, and provide clear roles and responsibilities for user groups in relation to the preservation of the environment.

It is the WCA's submission that the law in relation to access to non-tidal water is unclear and lacks a definitive position. The research of Rev. Doug Caffyn suggests that a historical right of Navigation already exists on a vast number of waters; however, the law is unhelpful by being unclear.

Antiquated and unclear legislation causes the problems of access to water. Legislation must evolve.

The Government is responsible for legislation and its adaptation. It is the WCA's submission that responsibility for inaction and the problems that this causes will also remain with the Government.

Ashley Charwood

Access Development Officer
Welsh Canoeing Association



outline research

By attempting to negotiate access agreements the NGB has perpetuated the status quo. At the time the WCA was acting in good faith. We now recognise that we could never have anticipated the needs of today's paddlers, but in entering restrictive agreements we created unwelcome precedents.

It is certainly frustrating as a governing body to have been part of the sport's problems, but learning from the past is the only way to move forwards.

The Board recognised a new phase in the WCA access department on 10th August when they passed a Board motion:

- The WCA's access department's role is of advocacy and technical expertise rather than delivery.
- This will require the termination of existing agreements and a statement of redirection of the WCA.
- We will continue to represent recreational paddlers but be more overt and positively market the way that this is done.

The present situation means that the WCA will enter agreements for occupational access, i.e. for events or facility. However it is not within our interests or remit to broker meaningful, sustainable recreational 'agreements' for the benefit of the public.

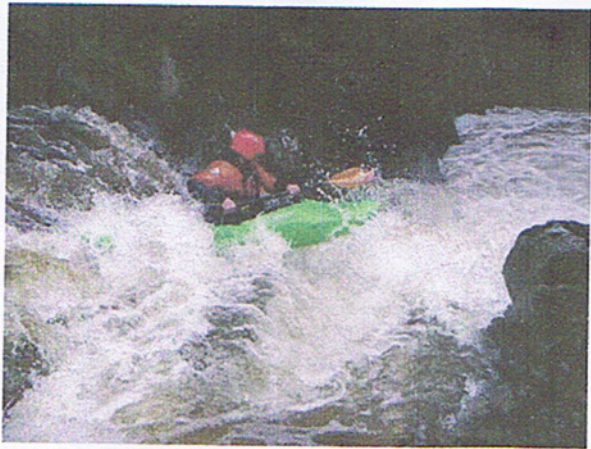
There are many suggestions that there are certain organisations who at present are seeking to 'impose' management mechanisms on canoeing in a bid to perpetuate the status quo. Our experience, and recent research, suggests that this is no longer a tenable approach.

re-direction

engage with agencies and consultations and make sure that canoeing interests are advocated for in all areas. It is important that the WCA makes representations on behalf of all canoeists in Wales, not just its membership. So we represent all thirteen disciplines, recreational paddling, casual paddling, rafting and inflatable boats. We also have an excellent pedigree in river safety and hydrology, delivering training to many of the UK fire and rescue services. This expertise is made available to those who request it, and through this we hope we can build increasing opportunity for

people to enjoy canoeing in whatever form they choose. We have long listened to the opinion of riparian owners that there is no right of navigation. This has never been substantiated; even the Welsh Assembly Government cannot bring clarity to the issue. It is our role as a governing body to presume in favour of issues that affect our sport. Until proven otherwise the WCA will presume in favour of navigation. This comes with the caveat that the current interpretation in case law, which also may not be correct, suggests that a trespass is being committed. See FAQ's overleaf!

w phase



The majority of the rest of the world enjoys access to inland water by right. In fact most people either in or visiting Wales can't believe there isn't a right. In the recent past many countries that have devolved constitution from Westminster have chosen to either remove barriers to inland water, or create an enshrined right. Most notably, Scotland chose to do this in 2003 with the Scottish Land Reform Act. On a variety of

MEMORANDUM RE VEHICLE CLAMPING

1. This Memorandum relates to vehicle clamping on private land. It has no application to vehicle clamping on public roads.
- 2.1 Driving and parking a vehicle on privately owned land without the owners permission is an act of trespass and the trespasser could be ordered to leave and could be sued for damages.
- 2.2 NB: Criminal offences can also arise.
 - 2.2.1 It is not a criminal offence to drive a motor vehicle on land or roads where the driver and vehicle have no right to be provided the driver is within 15 yards of a road on which a motor vehicle may lawfully be driven and he is driving off that road only for the purpose of parking on the land or private road where the vehicle is.
 - 2.2.2 It is a criminal offence to drive a motor vehicle on any land or road where the driver and vehicle have no right to be if the land or road in question is more than 15 yards from a road on which a motor vehicle may lawfully be driven. The only defence to a charge in these circumstances is that the driving in question was done for the purpose of saving life or extinguishing fire or meeting any other like emergency and the burden of proof in this respect is on the motorist.
 - 2.2.3 It follows that it is surprisingly easy to commit a criminal offence by off-road parking unless the vehicle is very close to the public highway.

The penalty for the offence is up to Level 3 on the standard scale (£1,000) if prosecuted through the courts. It can be dealt with by the police as a fixed penalty offence.
3. It is a criminal offence for an occupier of land to clamp a vehicle trespassing on his land unless the occupier himself (if he is acting in person) or his servants, agents or contractors hold the necessary Licence from the Security Industry Authority.
4. A Licensed operator must:-
 - wear the Licence where it can be seen at all times when working (unless it is in the possession of the SIA or it has been reported, lost or stolen).
 - not deface or change the Licence in any way that prevents all parts of it being seen
 - not wear a defaced or altered Licence.
5. A vehicle must not be clamped/blocked/towed if:-
 - a valid Disabled Badge is displayed on the vehicle (and it is a criminal offence to abuse a Disabled Badge or to forge one)
 - it is a marked emergency service vehicle which is in use as such.
6. Any licence holder who collects a release fee must provide a receipt which must include the following:-

- the location where the vehicle was clamped or towed
 - the licence holder's own name and signature
 - their licence number
 - the date.
7. The simple act of trespassing on private land does not of itself authorise the landowner to clamp the trespasser's vehicle. The starting point is that clamping without warning would be a trespass against the property of the "clampee". However, if the "clampee" has impliedly or expressly consented to the risk of being clamped, then the clamping is legal provided the release fee and waiting time for release are not extortionate or oppressive.
 8. Therefore it is the invariable practice to erect/post Notices at parking hot spots to say that parking is prohibited and that clamping is in operation and usually to indicate the amount of the fee and the contact phone number for arranging a release.
 9. In practical terms arguing that the driver did not see the signs and therefore did not consent to the risk of clamping is unlikely to be very persuasive. There is a natural temptation for the more moronic car parkers to destroy/deface/remove any signs that warn of clamping activities. This would clearly be criminal activity on their part and cannot be condoned.
 10. In practical terms (and assuming that the conditions in paragraphs 4-6 and 8 above are complied with) objecting to a release fee once clamped is unlikely to achieve very much. The clammer will almost certainly only get paid if he collects the fee and will almost certainly stick to his guns about charging the fee for the release. If the police are called they are likely to say that any allegation of trespass to property made by the "clampee" is a civil matter and one in which they cannot get involved. (After all, what is sauce for the goose in the context of paddlers going over riparian owners rivers and saying that trespass is a civil matter and the police would not get involved, is sauce for the gander in the context of their parking on private land and being clamped!).
There could obviously be a risk of prosecution if an offence has been committed by the driver as described in 2.2 above.
 11. If licensed clamping becomes a regular feature at places on private land where parking takes place there is not likely to be very much that can be done about it.
 12. In theory it might be argued that a trespassing motorist could leave a prominent sign inside his own vehicle saying that he did not consent to his vehicle being clamped. If it was then clamped there would be the opportunity for a test case which would no doubt go at least to the County Court and possibly to The Court of Appeal to determine whether or not the clamping was lawful. In practical terms no ordinary paddler has the kind of money to take this kind of risk. It is not a practical proposition in my opinion.
 13. Also in theory a clampee could pay under protest and then complain to the SIA adjudication panel or sue via the County Court on the basis that the release fee was extortionate. I am not aware of any clear guidance as to what would be extortionate.
 14. The moral in my view is to look out for signs giving warning of clamping and if they are seen there is certainly a risk of being clamped. Even if no signs

exist the possibility still exists that the clamper will say the signs were there shortly before the "clampee" arrived and he assumes that the "clampee" must have removed them.

15. If the clamper does not have his licence call for a police officer and report the clamper.

and Scottish Outdoor Access Code that paddlers need to know about. In addition to the Paddlers' Access Code there is a wide range of other access and environment related material on our website, and we are adding to this information all the time.

<http://www.canoescotland.com/Default.aspx?tabid=76>

Despite all the good work that is being done to implement our access arrangements there are those who still criticise Scotland's new access rights, but we believe that the new system is far better than what went before. Our new access system provides the public with a level of certainty that they did not have when accessing our countryside in the past, and they also provide land managers with more certainty, as well as people to help them with access management issues. We are still in the early days of a long term commitment to re-connect the people of Scotland with the land. Whilst there will be problems along the way the political decision has been taken to trust people with more rights, and in return expect far greater responsibility from access takers and land managers. So far the system has only had four years to settle in. There is far more we can and will be doing in terms of education and site based information to enable that system to work increasingly well over the years to come.

During the run up to the development of Scotland's legislation Scottish Natural Heritage brought over a couple of speakers from Norway to appear at meetings and conferences on access rights. All these years later the comments from those two speakers are worth remembering. At that time Norway's Allemansrätten law had been in place for nearly fifty years. ~~One of those speakers said that fifty years in nobody would change the~~ legislation, because it works for everyone. He said they still have their problems, but whenever that happens they all get together, work within the law and resolve whatever issue they might have at the time. So, rather than criticising Scotland's legislation after four years, as some are doing, the priority of the vast majority in Scotland is to do what the Norwegians have always done, which is to work hard to ensure the law works, and becomes an integral part of Scottish life.

The contrast between paddling in Scotland and paddling in Wales could not be more obvious. The rivers in Scotland are available for paddlers and the SCA is at the centre of efforts to spread the educational messages about responsibility, whereas the rivers in Wales have highly restrictive access arrangements and our counterparts in the Welsh Canoeing Association are frustrated by having to spend their time campaigning rather than working on educational projects and site management issues. Welsh rivers are highly regarded by paddlers from across the whole of the UK and we would like to see Scottish style access legislation in Wales. We believe that it would be popular and could be made to work. The SCA therefore supports the WCA's efforts and we hope we can provide your committee with information that will persuade you to support the aims of this petition.

Eddie Palmer, SCA Board Member (Access) and Mike Dales, SCA Access and Environment Officer

18 February 2009

PRIVATE LAND



NO RIGHT OF WAY



www.manchestercanoecub.org.uk

Rivers around Manchester

[Goyt](#) [Irwell](#) [Mersey](#) [Etherow](#) [Tame](#) [Bollin](#)

Other Favourite Rivers

[Moriston \(Scotland\)](#)

For More Rivers....

The Guidebook

Disclaimer

The information contained on these pages is for information only. Canoeing can be a dangerous sport, and river levels and personal ability must be taken into account before paddling any river. Ultimately the decision to paddle any river must be a personal decision.

The River Goyt

The Goyt runs from the Errwood and Fernilee reservoirs, north of Buxton, to Stockport where it joins the Tame to form the Mersey. It is also fed by the Etherow, which flows from the Woodhead reservoirs. All these reservoirs tend to have a stabilising effect on the river level, so it does not rise and fall as fast as some rivers. Even so, it can vary between being a fairly placid and rocky river (grade 2), with long flat sections between weirs and rapids, and fast flowing with many potential hazards (grade 3+) after heavy rain. It has become progressively cleaner over the past few years, and now is a very clean river, as can be seen from the popularity of the fishing.

The river can be paddled from New Mills or Whalley Bridge when in spate, but only by experienced paddlers. There are three 2 or 3 metre vertical weirs, with closed ends that will need some careful inspecting before they are shot. The final weir is at Roman Lakes, note that the owner of the Roman Lakes objects to canoeists using the river. There is a further broken weir at Marple Bridge, which is normally shot on the left.

The river is more often paddled from Brabyn's Park, Marple Bridge, to the MCC site. The first sloping weir has three shoots separated by walls. If water is starting to flow over the side shoots of the sloping weir, the stopper in the centre becomes harder to paddle through and the safest way is to scrape down the sides. As water levels increase further the stoppers at the side also become progressively more difficult. At high levels this weir can become highly dangerous with vicious stoppers and tow-back. The next obstacle is the horseshoe weir a few hundred yards down stream. The water at the bottom of this weir has unpleasant boils even at lowish levels, and becomes dangerous as the level rises - the boils become even worse and a stopper starts to form, trapping much in the way of debris. There has been a fatality at this weir in high water in the past.

If in any doubt, miss both weirs. By putting in below the horseshoe weir, you can still have an enjoyable paddle. While at lower levels the paddle from here is mostly a rock dodge, as levels rise the rapids improve, but overhanging tree branches, fallen trees across the river and floating debris can become serious hazards. The best rapid is probably 'looping rapid' a couple of hundred yards above the club site. It is often worth paddling up from the site to play there, although you will probably have to portage around the fall at the top of the site.

Beyond our site the river continues with similar character until reaching another weir in about half a mile. This weir can sometimes be shot on the left, but take care as it can be dangerous in spate. The river can be followed to Stockport, but be careful of the weirs. The first weir at Chadkirk is a sloping weir, about 2m high. The middle section of this weir has collapsed recently, and needs careful inspection. The vertical weir at Otterspool by the A627 is dangerous and must be portaged except in low water. Even then, take care. If you should ever lose a boat in the Goyt in spate conditions, it is worth checking this weir to see if it is trapped in the stopper.

The River Irwell

The Irwell has undergone some extensive developments in recent years to benefit canoeing and is both interesting to paddle and conveniently local.

Bury Canoe and Kayak Club have their site and headquarters at the Burrs Country Park where the river has been modified to provide a good practice site for most levels of competence. At low water the whole river is a bit of a scrape but the Irwell rises very quickly after rain, when the section from Ramsbottom to the Burrs site can be very enjoyable.

Access can be gained either from Nuttall Park, Ramsbottom or slightly further upstream near the steam railway car park, where a canoeing friendly launch area takes you through a purpose built canoe chute avoiding an awkward weir. The first and possibly best part of the trip starts within half a mile of Nuttall Park where you enter Gollinrod Gorge, normally a grade 2 section with plenty of playwaves which in high water becomes very bouncy and great fun.

PRINCE ALBERT ANGLING SOCIETY RULES

1. MEMBERSHIP

- a) Membership will run from January 1st to December 31st. **This card expires on 31st December each year, and does not entitle you to fish Society Waters thereafter.**
- b) Subscriptions should be paid by the 31st March. Subscriptions received between the 1st April and 31st July will require a £10 donation to the Society's stocking fund.
MEMBERSHIP RENEWAL CLOSES ON 31ST JULY.
- c) Juniors reaching the age of 16 years before the 31st March shall pay the Intermediate membership fee and on reaching the age of 18 years before 31st March shall pay the full senior membership fee.
- d) Lost, stolen or damaged cards can be replaced at a charge of £10.
- e) An accurate catch return and membership renewal form (**centre pages of this card**) must be completed and posted with the appropriate fee (**Cheques or Postal Orders ONLY - No Cash**) to the Membership Secretary, on renewal, together with a **Stamped Addressed Envelope**.
- f) Alteration to your home address should be notified to the Membership Secretary by inserting a separate note into the renewals /catch return at the time of membership renewal, or by letter at any other time of the year.

2. GENERAL

- a) Members must carry their card, completed in accordance with the instructions on the front inside cover, when on Club waters, property and meetings.
- b) Non-members are not allowed on club waters or club controlled property.
- c) **Members must carry a current EA Rod Licence when fishing club waters. Any member failing to produce a current EA licence when fishing will be asked to leave the water immediately.**
- d) **Non-fishing members must abide by all Society rules. They must not handle any fishing tackle in use.**
- e) **Any rule amendment published in a newsletter is binding and members are strongly advised to amend their membership card accordingly.**

- f) Every member bears some responsibility for the club water they are fishing. Ask the person fishing next to you for their card, but do not forget to show them yours.
If you see what you believe to be an illegal activity taking place, please call the Police.
- g) Official club bailiffs are entitled to inspect your membership card and tackle on production of their bailiff's warrant card. They do not have to produce a membership card when on bailiff duties, and they are also entitled to inspect your EA licence.
- h) **PHOTOGRAPHS OR ARTICLES FEATURING THE SOCIETY'S WATERS OR CATCHES MUST NOT BE PUBLISHED WITHOUT THE COMMITTEE'S PERMISSION.**

3. BEHAVIOUR & ETIQUETTE

- a) Wilful damage to fences, banks etc. leaving litter (which includes unused bait - left on bank or thrown in) or any action that will bring disgrace upon or within the Society will be dealt with, with the greatest severity. Loose pieces of nylon line left on the bank are killers to bird life.
Pegs must be left clean and tidy and any member caught leaving litter (including cigarette ends) may be expelled.
- b) **Guns and fires, or any type of light that requires oil or gas, and any types of tin(s) eg. drink cans and luncheon meat etc and glass bottles are not allowed on PAAS waters under any circumstances.**
- c) Barbecues and all alcohol is banned on all Society waters.
- d) Stoves with a maximum of two (2) burners may only be used on waters listed in the club card that are marked with an (S).
- e) Tape players and radios, etc. may be used in conjunction with in-ear type earphones.
- f) Boats, including bait boats, and two-way radios (except bailiffs) are not allowed on PAAS controlled property.
- g) No made up rods to be taken onto Society waters during the close seasons. Feature / fish finding is not allowed on any water closed during the closed season (River or Stillwater).
- h) No Camping on any club car park or leased/owned land. (The use of bivvies when fishing does not constitute camping).
- i) Dogs are not allowed except with written Committee approval.

4. ACCESS AND PARKING

- a) All vehicles must be parked sensibly in official parking areas only. Do not block accesses or gateways. All vehicles are parked at owners' risk.
- c) Members must only gain access by approved entry points.
Do not climb fences or gates.



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[Policies](#)

[Enews](#)

Access to water

There is no access organised by Canoe Wales, and we cannot offer you any advice on when or whether to paddle. The decision to go afloat rests with the individual.

Canoe Wales's position can be summarised as: There is no definitive proof that we shouldn't be enjoying the water. Whilst Canoe Wales can not guarantee that no one will object or try to take direct or legal action against you claiming a trespass, there is nothing in statute prohibiting public access, and this is not, whatever we are told, contrary to private rights.

You may also find it helpful to read the Access Special edition of Canoe Wales's magazine 'Ceufad' which can be found on this website: