

catchment appears to have a legal right of 'free and open Navigation upon the Rivers Wye and Lugg, and the Streams falling into them' as a result of the 1695 Wye Navigation Act. The EA claim not to know whether they are the navigation authority for the upper Wye and Lugg and nearly thirty other rivers in the catchment and do not appear to be interested in finding out. They just imply that there is now no right of navigation on these rivers although they attempted to remove any right in the small print of their documentation relating to the takeover, not mentioned in the summary they offered to the public but spotted by *Canoeist*.

The Jubilee River, Maidenhead's flood relief channel, runs from the Thames at Boulter's Lock and back into it at Windsor so it came with a statutory right of navigation as a result of the Thames Conservancy Act of the 1930s. The EA tried to have the navigation right removed, apparently only failing as a result of an administrative error when presenting the papers for signature. The portages on this right of way remain unsafe for users.

Navigation on various stretches of river is not mentioned in EA books and leaflets despite disputed claims to navigation rights or navigation rights believed to exist, including the Wye above Hereford and several rivers in their Southern Region. Nowhere do they comment where rights are disputed. Unless there is regular use on unchallenged water they make no mention of river navigation despite promoting other interests, especially angling.

Support for legal reform

The Land Reform Act of 2003 brought Scotland in line with most other countries, confirming that all rivers are open to all boats at all times, subject to responsible behaviour complying with the Scottish Access Code. Costs have been minimal and the simplicity has been welcomed widely. South of the border, the Countryside & Rights of Way Act specifically excluded boaters, despite earlier Government promises to help. If you want to see England and Wales by footpath

you have 150 times as much route distance you can legally use as if you wish to see it from non tidal rivers. The Government said this was unsatisfactory and have added new areas of access land for walkers.

Somebody is telling the Government that there is already enough water for touring. At the first anniversary of the NRA *Canoeist* asked the chairman, Lord Crickhowell, if he was satisfied that anglers could use almost the whole river system but 98% of it was closed to boaters. He said he was. *Canoeist* received a similar answer from the last chairman, Sir John Harman. Recent CEO Baroness Young was hardly more forthcoming when we asked her. There was room for some extra stretches, she said, but certainly nothing like the legal rights in Scotland. I cannot recollect any call for full reform since the Regional Water Authorities were set up in 1974, right through to the current EA, from the people supposed to represent the interests of river users to Government.

When was navigation outlawed?

In 2004 Douglas Caffyn published his law degree thesis which suggested that there had always been a public right of navigation on rivers in this country but that a series of errors had been made in a legal textbook in the 1830s. Recreational river touring was not of great significance at the time. Shallows and rail competition were of greater relevance to stopping commercial traffic and the errors were never corrected. Alun Michael, Rural Affairs Minister in 2004, said the study was useful but courts would need to decide on a case by case basis.

Is this the way for British residents and overseas visitors to need to conduct their outdoor recreation, activities which are legal in virtually any other country, including Scotland? The boating industry will continue to suffer until we have legislation suited to the needs of the 21st century, able to be understood by both the public and the Government, positively promoted by their representatives and the outcomes honestly reported.

INCIDENT FILE

Bethania cleared

Canoe hire company Bethania Adventure have been cleared in a case where a 68 year old drowned. The man and his wife hired an open canoe on Lake Vyrnwy. They capsized, hung onto the canoe for a while and tried to swim to shore when no rescue came. They were weak swimmers, the husband drowning in the attempt. The company were accused of not providing adequate buoyancy aids, of not telling the couple where they should turn back and of failing to react sufficiently quickly when their regular powerboat scan failed to spot them. A five day trial in Wrexham cleared the company on all counts.

Brecon drowning

A 13 year old schoolboy drowned on the River Usk at Brecon in November. An active youngster, he had just signed with Reading Football Club.

Feeling sheepish

Two Bala Canoe Club members had to prepare a makeshift throwline to haul a sheep out of the Tryweryn. Even when it was clear of the water they had to work hard to get it up the bank.

Sheep are not as easy as they might seem to rescue. I had my work cut out to dig one out of the mud at the edge of the Old Bedford River in the Fens on one occasion. Dipping sheep in a previous existence suggested to me that they are equally surprised at how heavy they get when waterlogged. Lifting a lamb out of the Grantham Canal and placing it beside its anxious mother would have been much easier had it not been so far gone that I had to trek up to the nearest farmhouse to summon assistance.

Coroner calls for weir signs

At the inquest into the death of a canoeist on the River Calder in Yorkshire in March 2008 the coroner asked to be put in contact with

the river access officer with a view to having signs put up to warn of the dangers of weirs. Putting up safety signs to warn users on a river which the public are not allowed to use is a most interesting concept. The safety of users is being put above restricting canoeists by the coroner, a welcome reaction and one which is completely correct but not always followed by others elsewhere (for example where death has resulted from unsuitable water conditions when a ticket has had to be bought in advance).

Lessons of Cambodian dragon boat capsizes

A report for the Singapore Sports Council has highlighted problems with a dragon boat race on the Tonle Sap River in Cambodia in Nov 2007, when five of the Singapore national dragon boat team were drowned. The 1.7km race was downstream on a current estimated at 6km/h but measured at 15km/h the following day. Conditions around the egress point were less than ideal with various boats moored around a large pontoon immediately above the takeout point. The inexperienced Singapore crew had little advanced information on the race details and there is dispute as to whether or not a briefing took place. The paddles were non standard. The boats were also not standard IDBF models but narrower with rounded hulls, making them less stable, and the freeboard was probably less than 200m. Conditions were choppy and water was shipped during practice. Lifejackets were issued for practice but these were found to be too bulky for racing and were not used by this or other crews. The start of the race was delayed by nearly 6 hours. When it did take place the windy conditions made paddling difficult. This crew, like others, were not happy to accept a motorized tow back to the start and they were tired by the time they arrived back at the pontoon under their own efforts. They collided with the pontoon with the bow members being swept under the pontoon and those behind them being carried between the pontoon and a moored tug. Those who were drowned were all from the bow end of the boat. While a combination of factors resulting from the race organization and conditions led to the accident, the Singapore organization did not have established safety procedures, most had never been involved in capsizing practice and risk assessments had not been undertaken. John Handyside, who has been involved in coaching coaches in Singapore, was not implicated in the criticism. The Cambodians appear not to have conducted an inquiry. The IDBF are pressing for their safety guidelines to be followed.