

Wednesday 13th August 2014

Anglers launch legal challenge against canoeing National Governing Bodies

Following a steady increase in complaints of canoe trespass incidents from angling clubs and fishery owners, Fish Legal has sent a legal 'letter before action' to the British Canoe Union (BCU), Canoe Wales (CW) and Canoe England (CE) demanding that they stop publishing information suggesting that there is a general right of navigation on non-tidal waterways in England and Wales, and/or that the law relating to navigation on rivers is unclear. There is no such general right of navigation in law and permission for access is required for people to use boats on rivers.

Fish Legal and the Angling Trust have written repeatedly to the BCU over the past few years to explain the law and to ask that incorrect information is removed from web sites and other publications, but these requests have been ignored. Legal action to force these organisations to stop publishing this information - which can encourage unlawful behaviour - now seems to be the only option. The action will be backed by subscription income from Fish Legal members along with donations made over the past year from more than 100 angling clubs to the Sustainable Access Campaign Cymru.

A response to the 'letter before action' is pending and the Angling Trust and Fish Legal hope that taking this formal step may encourage the BCU, CE and CW to resolve matters constructively, without the need to go to court.

Fish Legal will seek 'declaratory relief' through the courts unless BCU, CW and CE amend their publications and stop publishing inaccurate information about the law to their members and the public. The recent upsurge in unlawful canoeing in England and Wales has damaged the rights of several angling clubs and fishery owners. Many canoeists have the false impression that they can take their boats down rivers wherever and whenever they like. The Angling Trust and Fish Legal believe that the actions of BCU, CW and CE have contributed to this widespread trespass.

Mark Lloyd, Chief Executive of the Angling Trust and Fish Legal said: "We are taking action to stop the canoeing governing bodies publishing inaccurate information and to protect the rights of our member angling clubs and riparian owners. This may now include court proceedings. Our members have often tried to make agreements with canoeing clubs for greater access, with reasonable conditions to protect the water environment and avoid interference with fishing. However, these offers are repeatedly rejected, because the canoeing governing bodies insist that such agreements must allow unlimited access, or that permission is not needed."

He added: "We hope that this legal action, if it proves necessary, will settle beyond any doubt the issue of rights to navigate on rivers. We need the canoeing governing bodies to recognise that the law is clear and that permission is required. If this occurs, then we will be happy to work closely with them and our members to develop access agreements which make it possible for more people to go canoeing more often, without breaking the law or unreasonably interfering with angling."

End.

Notes to Editors

1. **Media contact only:** Mark Lloyd, 07973 468198 or mark.lloyd@anglingtrust.net. General enquiries to admin@fishlegal.net or admin@anglingtrust.net or 0844 7700616.
2. **Conflict on the Riverbank dossier**, which contains numerous examples of inaccurate statements by the canoeing governing bodies, available for download at www.accesscymru.org/Conflict_on_the_Riverbank.pdf.
3. **The Angling Trust** is the representative organisation and national governing body for angling in England and has more than 1,600 clubs and fishery owners in membership, along with 17,500 individual members. www.anglingtrust.net.
4. **Fish Legal** acts as the legal arm of the Angling Trust in England, and takes legal action on behalf of its membership throughout the whole of the UK to protect fish stocks and fishing. It has over 1,000 angling club and fishery members and is supported by 17,500 individuals. www.fishlegal.net
5. **Sustainable Access Campaign Cymru** (SACC) is a coalition of organisations which came together in response to draft proposals being mooted by the Welsh Government for universal access to rivers and land in Wales which have since been shelved. www.accesscymru.org