Dear Mr/ Ms \_ \_ \_ \_ \_ MP

DEFRA Working Group on Residential Houseboats

I live on a boat without a permanent mooring. I am writing to ask for an appointment with you to discuss a matter of the gravest concern, that could lead to me and more than 15,000 other itinerant boat dwellers losing our homes. I request that you intervene to stop this happening.

A secretive multi-agency working group on “residential houseboats” was set up by the DEFRA Inland Waterways Policy Land Use section in December 2017, “tasked to look at the issue of illegally [sic] moored houseboats”. The group appears to have been convened in response to lobbying by residents in wealthy waterside areas. Information obtained about this working group reveals a bias and prejudice against boat dwellers. Interest groups opposed to boat dwellers appear to have a disproportionate influence within DEFRA and boat dwellers without a permanent mooring are likely to be the target of measures to drive us off the waterways. The language used by the Minister responsible implies that DEFRA's view of boat dwellers is that we are not legitimate waterways users. DEFRA has refused to release the group's terms of reference and the agenda, background briefing paper and minutes of the initial meeting on 4th December 2017 in response to Freedom of Information requests.

Please would you intervene to halt any plans for changes in the law that would further restrict itinerant boat dwellers' rights to live in their homes without a permanent mooring?

The activities of the DEFRA group are likely to violate the rights of boat dwellers to respect for their homes under Article 8 of the Human Rights Act 1998. According to the British Institute of Human Rights, although there is no human right to provision of a home, once a person has a home they are entitled to respect for it and respect for their private lives in the enjoyment of it. In some cases the State is obliged to address issues that prevent the citizen from enjoying their home.

The measures taken by the working group are also likely to conflict with the duty in Section 124 of the Housing and Planning Act 2016 for local authorities to assess and meet the needs of boat dwellers “residing in or resorting to their district”.

It is entirely lawful to live on a boat without a permanent mooring. Indeed, given that almost 100% of permanent moorings in the UK do not have residential planning consent, it is the only lawful way to live on a boat. There are no accurate figures for the number of boat dwellers in the UK, but estimates suggest that at least 50,000 people live on boats and at least 15,000 do not have a permanent mooring.

The rights of itinerant boat dwellers are already being violated by navigation authorities, local authorities and private land owners. Some local authorities and navigation authorities have passed or are attempting to enact draconian, unlawful or excessive primary legislation, byelaws, Public Space Protection Orders, “civil enforcement” fines, licence terms and conditions or re-interpretations of existing legislation that serve to drive us out of their jurisdiction, in violation of the Public Right of Navigation (PRN), the British Waterways Acts or our rights under Article 8.

A common law PRN has existed on all navigable natural and canalised rivers since Time Immemorial, and is recorded in the Magna Carta of 1215. The PRN includes the right to moor for undefined temporary periods on the river banks, including on private land, without payment to riparian land owners (see Halsbury's Laws of England, 5th edition, paragraph 691). This is based on case law dating back to the nineteenth century. Legislation may exist that requires the boat to be registered or licensed, but any such legislation cannot override the PRN because this ancient right takes precedence.

Additionally, on the waterways under the jurisdiction of Canal & River Trust, which include both rivers and artificially constructed canals, boat owners are entitled to use and live on their boats without a permanent mooring by virtue of Section 17(3)(c)(ii) of the British Waterways Act 1995 and to moor their boats anywhere on the towpath side of the artificially constructed canals, provided that:

“*the vessel to which the application relates will be used bona fide for navigation throughout the period for which the consent is valid without remaining continuously in any one place for more than 14 days or such longer period as is reasonable in the circumstances”.*

DEFRA claims that the views of those who represent boat dwellers will be taken into account but many months on, there is no sign of this happening.

Please would you also address the following written Parliamentary questions to the Secretary of State for Environment, Food and Rural Affairs:

1. Will the Minister assure me that no changes in the law will take place that would impose upon itinerant boat dwellers living on our Inland Waterways any additional mooring time limits; travel distance requirements; mooring charges; fines; powers to evict or seize boats; or anything else that would restrict the existing rights of itinerant boat dwellers to live in their homes; to moor their homes on river and canal banks for temporary periods; and to continue to access employment, health care and education for their children?

2. Will the Minister further assure me that navigation authorities, local authorities and riparian land owners will be required in the exercise of their statutory functions or their property rights to have regard to the interests of people who use boats as their sole residence, including people who do not own or have access to a permanent mooring?

3. Will the Minister also assure me that navigation authorities, local authorities and riparian land owners will be required to increase the availability of transit or temporary moorings with stay times of between 14 days and 56 days?

Thank you. I look forward to an appointment to discuss this very serious matter with you at your earliest convenience.

Yours sincerely,