

# Problem with canoeists?

## The Angling Trust explains what to do

Many of us know it is important to share rivers. To encourage others to see the wonder of a beautiful river — even, if done properly and responsibly to make use of the river. However, incidents of canoeists appearing on rivers where there are no navigation rights have been growing. Often, it's simply a case of letting them know they shouldn't be there, asking them to stop and (if appropriate) telling them how and from whom they may seek permission to paddle. Most do. But a tiny minority believe they have a "right" to the river. Mostly, they don't. And this is when conflict can arise. If you or your club find this to be the case what can you do?

- If a canoeist, rafter, or other craft is on your river when they should not be, it is likely they are trespassing. Trespassing is a civil, not a criminal, offence. It only becomes a criminal offence should the trespass become an "aggravated" trespass.
- If you have problems with trespass, gather evidence. It is worth having a camera with you, or smartphone, to gather images and video. Try to get the names of those trespassing (though they are perfectly in their rights not to give it) and gather witness statements from fellow anglers and others who have been affected.
- If a canoeist or other user has trespassed, and you can identify them, give them the benefit of the doubt (unless of course it is a frequent and deliberate act, whereby it becomes aggravated) but follow up your verbal request to leave with a formal letter informing them of the private



Few kayakers have the right of access.

nature of your stretch of river, and keep a record of your correspondence.

- At all times be polite, don't get into an argument, don't approach too closely and open yourself up to counter accusations. Simply inform them they are trespassing and ask them to leave.
- Importantly, if you are a club officer, make sure every member of your club knows what to do and ensure you impress on those, let's say more excitable members of your club, the importance of staying calm and not engaging in arguments or aggressive acts.

And if the problem continues? A number of canoeists have in the past disputed the ownership of the river and their right to paddle. Some are seeking to establish rights by showing there has been consistent unchallenged use over a long period or there are historic rights to the river. It is important to be prepared.

- Know the ownership of your stretch of the river. Does your club own the land and the riverbed? Do you rent it? What are the access restrictions under any leasing or licence agreement?

- Ensure you have good signage informing other users the river is private and there is no access without permission.
- Know the ownership and access arrangements of the areas surrounding your water. Has a landowner given permission; : canoeists and other water users?
- Research your river's history. Who has owned what, when? What rights have been established, or importantly not established?
- Fill in gaps, notably covering recent years? Document widely. Take statements from older, longer-serving members.
- Keep records. Do not throw old records away. Ensure you retain an archive and organise that archive into a chronology to tell as full a story of the river as possible.

Could compromise be in the air? If find the problem continues consider establishing a voluntary agreement >v the local canoe club. This can help to define when they use your water, over which days in the year and in which water conditions. Importantly, which days they should not be on the river to ensure you protect your fishing and the viability of your club. Such agreements can help to build good relations between your club and the canoeists. But do it formally. You might want to have a legal agreement drawn up and published in the London Gazette and on your website.

Please note, this is general guidance only. All rivers, their ownership structures and history are different. You should always seek advice relevant to local circumstances.