

Frequently asked questions

River Thames mooring enforcement

October 2015

The Environment Agency is changing the way we manage some of our 24 hour short term mooring sites. This change is aimed at increasing access to those 24 hour moorings, to ensure our customers have fairer access to free 24 hour mooring periods, and to offer more flexibility for customers to stay up to 72 hours for a mooring fee. Mooring sites will be clearly indicated by signs. We have prepared a list of Frequently Asked Questions for our customers relating to this trial.

Q. Why have you needed to introduce mooring regulation?

A. There are a number of practical reasons for introducing mooring regulation but primarily amongst these is the need to ensure that the moorings are being used fairly by all parties. Inconsiderate and sometimes dangerous mooring has caused a number of issues with landowners and other river users. Polite notices on vessels are completely ignored, so we have needed to employ some form of mooring regulation.

Q. Why have you chosen to issue Mooring Charge Notices (MCNs)?

A. A range of options have been considered to fill the gap between self-help remedies and statutory legislation. We feel that adopting an approach similar to that used in the Parking Management Industry could be of benefit to all. The approach we have taken is intended to provide an effective remedy for landowners without having to resort to fines issued under statutory legislation.

Q. How do I avoid getting a Mooring Charge Notice (MCN)?

A. Ensure when you are mooring that you have checked the signs and other notices across the mooring facility. Be mindful that the terms on the signs are clear and that you will receive an MCN if you breach the conditions displayed on the signs.

Q. What could I be issued a Mooring Charge Notice for?

A. An MCN will only be issued if you breach the conditions displayed on the signs. These terms are stated in plain English so there will be no excuse for not reading and understanding them.

Q. How much will a Mooring Charge Notice cost?

A. The charge will be displayed on the signs. A discounted rate will apply if you pay the charge within 14 days of issue. If you fail to pay the charge within 28 days, the matter may be escalated to Court and further charges will apply.

Q. Can I challenge the Mooring Charge Notice?

A. Yes, the MCN will detail the reason for issue, the date, time and location. If you feel it was wrongly issued or that there are special circumstances in your case, you must write to NSL Ltd, PO Box 632, Oxford, OX14 9HU or email mooring@nsl.co.uk explaining your reasons for disputing the charge. All challenges must be received in writing or email within 28 days of receiving the notice, face to face challenges or challenges made over the phone are not accepted.

Q. Can I appeal to the Environment Agency?

A. No. The issue of the MCN is a matter for the recipient and NSL Limited. If you have a complaint regarding the service provided by NSL you can contact the Environment Agency on 03708 506 506.

Q. If I challenge against the Mooring Charge Notice will I lose the right to pay the reduced rate?

A. No, as long as the challenge is received within 14 days of the issue date the case will then be put on hold until a decision has been made. If the appeal is rejected you will be given a further opportunity to pay the discounted rate but this payment must be received within 14 days of the date of the rejection letter. No further escalation of the charge will occur until the appeal has been decided.

Q. What happens if I don't pay?

A. If you do not pay or challenge within 28 days of issue of the MCN, NSL will notify the owner of their intention to pursue the matter to Small Claims Court. This will incur additional costs.

Q. Who will be Responsible for Paying a Mooring Charge Notice?

A. Legally the master of the vessel is responsible for paying the charge.

Q. How can I pay for the Mooring Charge Notice?

A. You will be able to pay; Online at <https://epaycobalt.com/environmentagency> with your MCN and credit/debit card details; By telephone 0345 413 5002 with your MCN and credit/debit card details. (Available Monday – Friday, 09:00 – 17:00) By bank transfer to account number 11645868 sort code 30-80-12 quoting your MCN number; Or by post with cheques made payable to NSL Ltd and sent to NSL Ltd, PO Box 632, Oxford, OX14 9HU.

Q. Can I pay or appeal to the Issuing Operative for the Mooring Charge Notice?

A. No. Operatives are not allowed to accept payment and are under strict instructions that once a ticket has been issued it cannot be marked as settled unless paid by one of the means above or withdrawn unless via a valid appeals route.

Q. Why have you chosen a service provider to enforce mooring charges?

A. Civil enforcement of mooring charges is a specialist industry and requires detailed knowledge of the law. NSL Limited have a proven track record and are an established industry specialist.

Q. I've read that private parking charges are unenforceable charges, is this any different?

A. Unfortunately, this is a common misconception. Binding legal precedents, and indeed the change in the law, establish parking charges as legally enforceable charges. Parking charges are a core term of the contract formed between the motorist and NSL Limited. They are not unfair, nor are they voided by any Consumer Protection legislation. These points have been tested at length by the Courts and found not to succeed. The principle is the same with regards to moorings. The landowners have a right to manage their land and impose such conditions they see fit. Where this right is passed to a third party, such as NSL, the result is much the same. Introducing varying tariffs associated with the use of the land is perfectly legal. Whilst it is your right to dispute the matter at Court, you must note that it will greatly increase the costs.

Q. I've been told most private parking companies don't go to Court because they don't have a legal right?

A. Again, this is a misinterpretation of the law. Our contract states that NSL can issue charges on our behalf for mooring on landowner's title. This gives them the necessary right (locus) to form a contract with the master of the vessel.

Q. Are the Issuing Operatives given incentives or targets?

A. No. All Operatives are given neither incentives nor targets to meet. The idea is to provide a solution to better regulate the use of our moorings. MCNs can be avoided by reading the signs and following the instructions.

Q. What happens to mooring charges when red or yellow board are displayed?

A. At our short-stay mooring sites where we operate charges, we generally suspend them when Yellow 'stream increasing' boards are displayed. Yellow boards advise masters of all boats to seek safe mooring - this is because Red 'strong stream' warnings may be displayed suddenly and without warning.

Charges remain suspended during Red boards, but are re-instated when Yellow 'stream decreasing' boards are displayed. During these conditions, we advise masters of powered craft to proceed with caution.