

IN THE BRISTOL COUNTY COURT

Nos:9BA00333/9XK9494370

B E T W E E N :

BRITISH WATERWAYS BOARD

Claimant

and

PAUL DAVIES

Defendant

MINUTE OF ORDER



If you do not obey this order you will be guilty of contempt of court and you may be fined or sent to prison or you may be guilty of a criminal offence for which you may be fined or sent to prison or both

UPON the trial of these actions on 23rd and 24th September 2010

AND UPON hearing argument on the appropriate relief upon the handing down of Judgment on 31st March 2011-04-13

AND UPON hearing leading counsel for the claimant and for the defendant

AND UPON the parties, by consent, agreeing at the outset of the trial that there be no order in claim numbered 9XK949370

IT IS ORDERED THAT:

1. It be and is hereby declared that the defendant's use of the craft "Bidly" index number 60465 has at all material times been as his home and that his limited and periodic movement of the craft over short distances on the canal do not constitute bona fide use for navigation for the purposes of obtaining a licence to use the said craft, and that, unless permission in writing be granted by the claimant to keep, use or moor the craft on the waterways controlled by the claimant by 30th June 2011, the claimant be entitled thereafter to remove it pursuant to its statutory powers.

2. On and after 1st July 2011 the defendant, whether by himself or his agent or otherwise, be restrained from keeping, using or mooring his craft "Bidy" on any part of the waterways controlled by the claimant, without the permission in writing of the claimant.

3. The claimant's costs of these proceedings be determined by a costs judge.

4. The defendant (a party who was in receipt of services funded by the legal services commission) do pay the claimant an amount to be determined by a costs judge.

5. There be detailed assessment of the defendant's costs funded by the Legal Services Commission.

6. Liberty to apply as may be advised.

Dated the 13 day of Apr 2011.