



## **SOLICITOR'S SEARCHES**

This note sets out useful background information regarding the nature of enquiries with which Canal & River Trust can assist, the fees that are payable in respect of such enquires and other general information that may be of assistance to you.

The Trust cares for a 2,000 mile network of canals and rivers. Most of the Trust's structures are well over 200 years old and the canals themselves are constructed in a variety of ways. Some are natural rivers which are not owned by the Trust but where we are the navigation authority. The Trust also manages a significant portfolio of property that includes operational boat yards, docks, historic warehouses, cottages, marinas, industrial estates and development land across England and Wales.

Every precaution must be taken to avoid the risk of removing Trust's right of support, breaching the waterway damaging any of the waterway structure, as this may result in extensive flooding, with damage to buildings, property, services and possible loss of life.

Embankments and other waterway structures are particularly vulnerable and no excavation, landscaping, or any other work or activity should take place near to, or at the foot of an embankment or waterway structure without consulting the Trust, even though such works may not be on Trust's property.

Except where they are expressly reserved for the benefit of the property, rights such as mooring, fishing, discharges to, or abstraction from, the waterway, and any encroachment upon or projection over the waterway require the written consent of the Trust and in some circumstances, that of the other organisations such as the Environment Agency. Charges, costs and other fees are likely to be payable in the giving of such consent and, where appropriate, the granting of relevant rights. Our Utilities Team may be able to assist with any specific enquiries and should be contacted via the Trust's general enquiries helpline or website.

The Trust can conduct a Solicitor's search, for which the following fees are applicable:

- Commercial Property £500 +VAT  
(including developments of multiple residential dwellings)
- Individual Residential Property £200 + VAT

### **Canal & River Trust**

Canal & River Trust Fearn's Wharf Neptune Street Leeds LS9 8PB  
T 0303 040 4040 E [canalrivertrust.org.uk/contact-us](http://canalrivertrust.org.uk/contact-us)

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

Payment must be sent in advance by cheque, made payable to 'Canal & River Trust'. All searches should be accompanied by a colour plan showing clearly the area of land to be searched. Completed searches aim to be returned to the sender within 14 working days. An expedited service may be provided under certain circumstances, where the completed searches aim to be returned within 5 working days after receiving the search and full payment. This service is subject to prior agreement and will attract an extra charge of £150 + VAT.

The following queries will be answered by the Trust so far as it is able:

1. Whether any works owned by the Trust are laid over, under or through the property;
2. Whether apart from statutory rights, The Trust have any other rights that may affect the property; or has any proposals to acquire or create new rights or to carry out any future works that may affect the property.
3. Whether according to the Trust's records the boundaries of the property adjacent to Trust's land are correctly shown on the attached plan;
4. Whether any liability falls on the owner of the property or any part of it in respect of the maintenance or repair or rebuilding of the waterway or its banks or towing paths;

The Trust will also inform you of any notices, licences or consents that have been served if they are revealed on its records. Where flooding is a matter of specific concern, enquiries should be made of the local authority and/or the Environment Agency as the appropriate land drainage and flood defence organisations.

The replies will be given in the belief that they are in accordance with the information available at the time to the officers of the Trust. Neither the Trust nor its officers will be legally responsible for those replies except in case of negligence. Any liability for negligence shall be only to the person or persons by or for whom the enquiries have been made and shall not extend to any third parties.

Enquiries are reminded of the need to carry out their own inspection of the property and for the making of appropriate surveys, enquiries and searches.

If you are unsure if your property is adjacent one of the Trust's waterways please check the Trust's website which has plans of the waterways the Trust Manages.

Please send your search and enclosed payment to the following address:

Canal & River Trust  
Estates Department – Solicitor Search  
1<sup>st</sup> Floor  
Fearn's Wharf  
Neptune Street  
Leeds  
LS9 8PB