

Section 139 of the Highways Act 1980

Control of builders' skips

(1) A builders' skip shall not be deposited on a highway without the permission of the highway authority for the highway.

(2) A permission under this section shall be a permission for a person to whom it is granted to deposit, or cause to be deposited, a skip on the highway specified in the permission, and a highway authority may grant such permission either unconditionally or subject to such conditions as may be specified in the permission including, in particular, conditions relating to—

(a) the siting of the skip;

(b) its dimensions;

(c) the manner in which it is to be coated with paint and other material for the purpose of making it immediately visible to oncoming traffic;

(d) the care and disposal of its contents;

(e) the manner in which it is to be lighted or guarded;

(f) its removal at the end of the period of permission.

(3) If a builder's skip is deposited on a highway without a permission granted under this section, the owner of the skip is, subject to subsection (6) below, guilty of an offence and liable to a fine not exceeding **[F1]**level 3 on the standard scale].

(4) Where a builder's skip has been deposited on a highway in accordance with a permission granted under this section, the owner of the skip shall secure—

(a) that the skip is properly lighted during the hours of darkness **[F2]**and, where regulations made by the Secretary of State under this section require it to be marked in accordance with the regulations (whether with reflecting or fluorescent material or otherwise), that it is so marked];

(b) that the skip is clearly and indelibly marked with the owner's name and with his telephone number or address;

(c) that the skip is removed as soon as practicable after it has been filled;

(d) that each of the conditions subject to which that permission was granted is complied with;

and, if he fails to do so, he is, subject to subsection (6) below, guilty of an offence and liable to a fine not exceeding **[F3]**level 3 on the standard scale].

(5) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(6) In any proceedings for an offence under this section it is a defense, subject to subsection (7) below, for the person charged to prove that the commission of the offence was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(7) A person charged with an offence under this section is not, without leave of the court, entitled to rely on the defense provided by subsection (6) above unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(8) Where any person is charged with an offence under any other enactment for failing to secure that a builder's skip which has been deposited on a highway in accordance with a permission granted under this section was properly lighted during the hours of darkness, it is a defense for the person charged to prove that the commission of the offence was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(9) Where a person is charged with obstructing, or interrupting any user of a highway by depositing a builder's skip on it, it is a defense for the person charged to prove that the skip was deposited on it in accordance with a permission granted under this section and either—

(a) that each of the requirements of subsection (4) above had been complied with; or

(b) that the commission of any offence under that subsection was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(10) Nothing in this section is to be taken as authorising the creation of a nuisance or of a danger to users of a highway or as imposing on a highway authority by whom a permission has been granted under this section any liability for any injury, damage or loss resulting from the presence on a highway of the skip to which the permission relates.

(11) In this section **[F4, section 140 and section 140A]** below—

- “builder's skip” means a container designed to be carried on a road vehicle and to be placed on a highway or other land for the storage of builders' materials, or for the removal and disposal of builders' rubble, waste, household and other rubbish or earth; and

- “owner”, in relation to a builder’s skip which is the subject of a hiring agreement, being an agreement for a hiring of not less than one month, or a hire purchase agreement, means the person in possession of the skip under that agreement.

Section 140 of the Highways Act 1980

Removal of builders’ skips

(1)The following provisions of this section have effect in relation to a builder’s skip deposited on a highway notwithstanding that it was deposited on it in accordance with a permission granted under section 139 above.

(2)The highway authority for the highway or a constable in uniform may require the owner of the skip to remove or reposition it or cause it to be removed or repositioned.

(3)A person required to remove or reposition, or cause to be removed or repositioned, a skip under a requirement made by virtue of subsection (2) above shall comply with the requirement as soon as practicable, and if he fails to do so he is guilty of an offence and liable to a fine not exceeding **[F1level 3 on the standard scale]**.

(4)The highway authority for the highway or a constable in uniform may themselves remove or reposition the skip or cause it to be removed or repositioned.

(5)Where a skip is removed under subsection (4) above, the highway authority or, as the case may be, the chief officer of police shall, where practicable, notify the owner of its removal, but if the owner cannot be traced, or if after a reasonable period of time after being so notified he has not recovered the skip, the highway authority or chief officer of police may dispose of the skip and its contents.

(6)Any expenses reasonably incurred by a highway authority or chief officer of police in the removal or repositioning of a skip under subsection (4) above or the disposal of a skip under subsection (5) above may be recovered from the owner of the skip in any court of competent jurisdiction or summarily as a civil debt.

(7)Any proceeds of the disposal of a skip under subsection (5) above shall be used in the first place to meet the expenses reasonably incurred in the removal and disposal of the skip and thereafter any surplus shall be given to the person entitled to it if he can be traced and if not may be retained by the highway authority or the chief officer of police, as the case may be; and any surplus so retained by a chief officer of police shall be paid into the police fund.

(8)References in this section to expenses incurred in the removal of a skip include references to expenses incurred in storing the skip until it is recovered by the owner or, as the case may be, disposed of.

(9)The owner of a skip is not guilty of an offence under section 139(4) above of failing to secure that a condition relating to the siting of the skip was complied with if the failure resulted from the repositioning of the skip under subsection (3) or (4) above.

Section 140 of the Highways Act 1980

Penalty for willful obstruction

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(1) If a person, without lawful authority or excuse, in any way willfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding **[F1]level 3 on the standard scale**.