

PLACEMENT OF SKIPS ON A PUBLIC HIGHWAY

HIGHWAYS ACT 1980 - SECTION 139

Control of Builder's Skips

- (1) A builder's 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 the 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 level 3 on the standard scale of fines.*
- (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;
 - (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 level 3 on the standard scale of fines.*
- (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 defence, 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 defence provided by subsection (6) above unless, within a period ending seven 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 had 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 defence 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 use of, a highway by depositing a builder's skip thereon, it is a defence for the person charged to prove that the skip was deposited thereon 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 and in section 140 "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 builder's 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.

* Currently £1000, subject to alteration by Order

Information regarding EWC codes can be found at:

<http://www.environment-agency.gov.uk/business/topics/waste/31873.aspx>

or contact the Environment Agency on 08708 506 506 (Mon-Fri, 8am - 6pm)

STANDARD CONDITIONS

- (1) The skip shall be clearly and indelibly marked with the owner's name and with his telephone number or address.
- (2) The skip shall be deposited on the Highway only at the position stated in the location stated in the permission document.

It shall be positioned so that its longer sides are parallel to the edge of the carriageway and as near to the edge of the carriageway as is reasonably practicable so that it does not impede the surface water drainage of the highway nor obstruct access to any manhole or the apparatus of any statutory undertaker.

- (3) The skip shall not exceed 5 metres in length by 2 metres in width.
- (4) The skip shall while on the highway be marked, guarded and lit in accordance with the following requirements:
 - (a) The ends of each skip (that is to say, the sides of the skip facing traffic in both directions when the skip is positioned as mentioned in condition 2 above) shall be painted yellow and there shall be attached markings, which will comply with those prescribed in the Builders' Skips (Markings) Regulations 1984. The painting and the prescribed markings shall at all times be kept clean and efficient and clearly visible for a reasonable distance to persons using the highway;
 - (b) Each skip shall be guarded by at least 3 traffic cones placed on the carriageway in an oblique line on the approach side of the skip;
 - (c) At night (that is to say, between half-an-hour after sunset and half-an-hour before sunrise):
 - A lamp shall be placed against or attached to each corner of the skip;
 - Lamps shall comply with Regulation 40 of the Traffic Signs Regulations 1981.
- (5) No skip, when standing on the highway, shall contain any explosive, noxious or dangerous material or any material which is likely to putrefy or which otherwise is or is likely to become a nuisance to users of the highway.
- (6) No skip shall be used in such a way that any of its contents fall on to the highway, or that there is an escape of dust from the contents of the skip when standing on the highway.

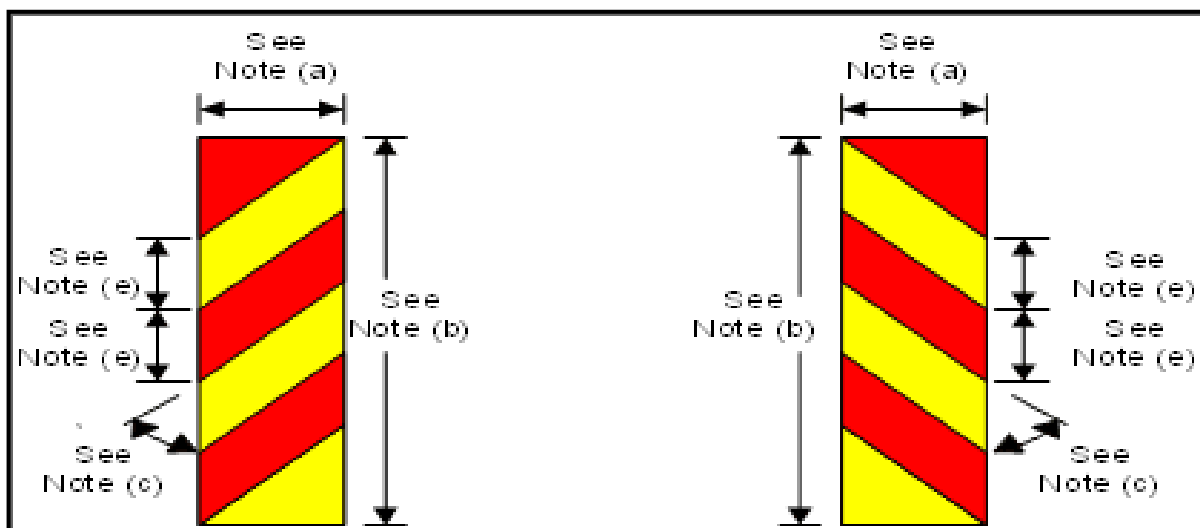
- (7) No skip shall be used in such a way that any of its contents fall on to the highway, or that there is an escape of dust from the contents of the skip when standing on the highway.

The Builders Skips (Markings) Regulations 1984 provide that each end of every builders' skip, any part of which is placed on any part of a highway, except a footpath or verge, shall be marked with a marking that complies with:

- (a) The specifications about design set out in diagrams and notes in Schedule 1 (below); and
(b) The requirements specified in Schedule 2 (below).

SCHEDULE 1

The Builders' Skips (Markings) Regulations 1984
(Regulation 3) Specifications about design



NOTES:

- (a) The width of each half of the marking shall be not less than 140 millimetres nor more than 280 millimetres.
(b) The length of each half of the marking shall be not less than 350 millimetres nor more than 700 millimetres.
(c) The angle of each stripe shall be not less than 40 degrees to the vertical nor more than 50 degrees to the vertical.
(d) Each half of the marking shall have a minimum area of 980 square centimetres.
(e) The breadth of each stripe shall be not less than 133 millimetres nor more than 147 millimetres.

SCHEDULE 2

Requirements as to Markings (Regulation 3)

- (1) The markings specified in Schedule 1 shall consist of two plates of equal size and the same shape as one another.
- (2) Each such plate shall comply with the requirements specified in the British Standard Specification for Rear Marking Plates for Vehicles issued by the British Standards Institution and published on 1st April 1970 under number BS AU 152: 1970 and shall be marked as provided in paragraph 5 of that Standard.
- (3) The two plates comprising the marking shall be securely attached to the end of the builder's skip in such a manner that:
 - (a) Each plate is as near to an outer edge of the skip as the construction of the skip allows, so, however, that no part of any plate projects beyond an outer edge of the end of the skip;
 - (b) The innermost edge of each plate is parallel to and the same distance from the vertical plane passing through the longitudinal axis of the skip;
 - (c) The upper edge of each plate is parallel to and the same distance from the upper edge of the end of the skip;
 - (d) No part of either plate is attached to:
 - (i) any lid; or
 - (ii) any door except in a case where a door is the only place to which the plate can possibly or conveniently be fixed;
 - (e) the upper edge of each plate is:
 - (i) not more than 1.5 metres from the ground; and
 - (ii) not lower than the upper edge of the skip save in so far as this may be necessary on account of the construction of the skip, the provisions of Regulation 4 or the provisions of sub-paragraph (i) above.
- (4) The stippled areas in the diagram in Schedule 1 shall be of red fluorescent material, and the un-stippled areas in that diagram shall be of yellow reflex reflecting material.