

Farming and the highway



Mud, slurry or other produce which is deposited on the road as a result of farming activity, including stock movements, is a perennial issue which requires regular attention throughout the farming year as weather conditions and farming activity change. Make sure you know what the law says and how it applies to you.

What the Law says:

- Farmers and vehicle operators who deposit mud, etc on the road are legally obliged to clear up after themselves and are potentially liable for a range of offences.
- The range of primary powers available to the police and local authorities come from the Highways Act 1980, as follows:
 - Section 148 of the Highways Act 1980 makes it an offence to deposit mud, etc on the highway that would interrupt other users of the highway.
 - Section 149 of the Highways Act 1980 gives the highway authority the power to clean the road and recover its expenses from the person causing the obstruction.
 - Section 161 of the Highways Act 1980 states, "If a person, without lawful authority or excuse, deposits anything whatsoever on a highway in consequence of which a user of the highway is injured or endangered, that person is guilty of an offence".

Note: Contravention of Sections 148 and 161 can lead to a Level 3 fine of £1000 in the magistrate's court. Furthermore, if mud, etc on the road leads to personal injury, damage to property, or any loss or inconvenience then the person responsible may be liable for damages. A conviction in the criminal court may be relied on in a claim for damages. Additionally, if action of a contractor working for a farmer deposits mud, etc on the road, including stock movements, there is a significant risk that a land owner will be liable under the law of nuisance or negligence.

- Section 2a of the Road Traffic Act 1988 states that the term 'dangerous' can include anything which is attached to a vehicle, which can include mud, etc. Driving an agricultural vehicle on the road with a significant amount of mud, etc attached to it may constitute the offence of 'dangerous driving' under this Act.
- Under the Health and Safety at Work Act 1974, farmers have an obligation to look after the health and safety of themselves, their employees and anyone who may be affected by a working operation. Other road users could be affected by the actions of tractor drivers driving vehicles with mud, etc on them. Action could also be taken under the Health and Safety at Work Act 1974 if mud, etc is deposited on the highway.

What you must do

- Do everything possible to prevent mud, etc being deposited on the road in the first place. This includes cleaning mud, etc from vehicles, as far as is practicable, before they are taken onto the road. The fact that cleaning mud, etc from agricultural machinery or vehicles is commercially inconvenient may not be a defence in law.
- If there is a danger of mud etc being accidentally deposited on the road, use 'Slippery Road Surface' signs with a 'Mud on Road' sub plate to highlight the danger to other road users. Only use signs that are authorised. Check with the local highways office regarding the type and size of signs to use. Any signs placed must be done so with care to ensure they are visible to approaching road users and not causing an obstruction.
- Clean the road as necessary through the working day and always at the end of each working day.
- Ensure that the labour and equipment is available and is suitable for the soil and weather conditions present.
- Where a contractor is used, ensure that prior agreement is reached on who is responsible for mud, etc on road issues (signage, cleaning, etc) and ensure that adequate public liability insurance is in place.

What you should consider:

- Be prepared to hire in equipment and check availability in advance.
- Keep to your own farm roads and minor roads wherever possible.
- Keep to low speeds, especially when travelling a short distance, as low speeds help retain mud, etc on the vehicle, plant or equipment.
- Keep a written record of your decisions on whether or not to deploy signs and/or to clean the road.

Soil and water from adjoining fields

Landowners are responsible for mud and water running off fields onto roads and can be required to do work to prevent this happening. Attention beforehand can prevent the problem. Limits on cultivation in terms of direction and proximity to boundaries will reduce the risk, as well as pay attention to the direction of ploughing etc.

Those responsible for moving cattle must ensure that it is carried out safely and must ensure that the highway is clean afterwards. If deposits on the road are insufficient to warrant immediate cleaning, care must be taken to prevent an accumulation of mud and manure from building up.



**For further
information**

contact the
Highways Hotline
on **0300 303 2992**