

WREXHAM COUNTY BOROUGH COUNCIL
PLACING OF SKIPS ON THE HIGHWAY – HIGHWAYS ACT 1980 – SECTION 139
REGISTRATION OF ORGANISATIONS FOR PERIOD 01/04/2012 TO 31/03/2013

1. Wrexham County Borough Council is required under Section 139 of the Highways Act 1980 to approve the placing of skips on the highway and requires organisations to register their intent.
2. In addition to this registration, organisations must make individual applications for permission to place skips in the highway and each individual permit granted will be subject to a charge of £31.00. A further £31.00 will be charged if the skip is placed for more than one week.
3. Permission granted shall be subject to the conditions in this registration and any other conditions that the Highways Authority may impose.
4. Skips may only be placed in the locations agreed with the Highway Authority.
5. Each skip shall be positioned so that it's longer sides are parallel to the kerbline of the footway, leaving the footway clear for pedestrians, ensuring that it does not impede any surface water drainage nor obstruct access to any manhole or the apparatus of any Statutory Undertaker.
6. Each skip (if requested) shall be guarded by at least three traffic cones and a directional arrow sign (610) placed on the carriageway in an oblique line on the approach side of the skip. Where two or more skips are deposited in a row, so that the distance between adjacent skips does not exceed two metres, the row shall be guarded as if it were one skip. Traffic cones are required.
7. Where more than one skip is on the carriageway at any one time, the skips shall be positioned as closely as possible to each other, but not so as to obstruct access to any premises unless the consent of the occupier of those premises has been obtained.
8. Each skip shall not exceed five meters in length by two meters in width, and shall be coated with paint and other material for the purposes of making it immediately visible to oncoming traffic. Additionally, each skip shall have reflective strips at the four corners and protected by 2 cones at the two off-side corners. Skips deposited on the roadway shall be clearly marked with the owners name and with his/her telephone number or address.
9. Each skip or group of skips shall, while on the carriageway, be marked and lit at night, that is to say, between sunset and sunrise. A yellow lamp shall be placed against or attached to each corner of the skip or the end corners of the row of skips where two or more skips are deposited in a row and the distance between adjacent skips does not exceed two meters.
10. No skip when standing in the carriageway shall contain any inflammable, 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.
11. No skip shall be used in such a way that any of its contents fall onto the highway or that there is an escape of dust from the contents of the skip when standing in the carriageway.
12. Each skip shall be removed for emptying as soon as practicable.
13. No skip shall remain on the highway pursuant to this permission after the period of the permit.
14. All materials placed in each skip shall be properly disposed of and the highway where the skip or skips have been deposited shall be left in a clean and tidy condition on the expiration of the permit.
15. Any damage to highway property must be made good at the expense of the applicant.
16. The Skip Owner shall indemnify the Wrexham County Borough Council against any claim which may arise as a result of the presence of the skip on the highway or non-compliance with the above conditions and must hold public liability insurance of at least £5 million. A copy of the insurance certificate shall be returned with this registration.
17.
 - (a) Company Name
 - (b) Address
 - (c) Signed on behalf of the Company Name
 - Witnessed by Name.....
 - Signed on behalf of the WCBC Date

TAKE NOTE THAT:

Section 139(3) of the Highways Act 1980 – 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 £100.

Section 139 (4) of the Highways Act 1980 – 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 £100.

Section 139 (5) of the Highways Act 1980 – Where the commission by any person of an offence under this section is due to the act or default of some other person, the 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.

Section 139 (6) of the Highways Act 1980 – 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.

Section 139 (7) of the Highways Act 1980 – 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 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.

Section 139 (8) of the Highways Act 1980 – Where any person is charged with an offence under any other enactment or 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 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.

Section 139 (9) of the Highways Act 1980 – 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 defence 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.

Section 139 (10) of the Highways Act 1980 – 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.

Section 139 (11) of the Highways Act 1980 – In this section and Section 140 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 (1) of the Highways Act 1980 – 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.

Section 140 (2) of the Highways Act 1980 – 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.

Section 140 (3) of the Highways Act 1980 – 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 £50.

Section 140 (4) of the Highways Act 1980 – 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.

Section 140 (5) of the Highways Act 1980 – 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.

Section 140 (6) of the Highways Act 1980 – 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.

Section 140 (7) of the Highways Act 1980 – 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.

Section 140 (8) of the Highways Act 1980 – 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.

Section 140 (9) of the Highways Act 1980 – 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.