



# Highways Act 1980

## 1980 CHAPTER 66

### PART IX

#### LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

##### *Obstruction of highways and streets*

#### **139 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) <sup>[F1]</sup>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 <sup>[F2]</sup>level 3 on the standard scale.]
- (4) <sup>[F1]</sup>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 <sup>[F3]</sup>and, where regulations made by the Secretary of State under this section require it to

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**Changes to legislation:** *Highways Act 1980, Section 139 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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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 [<sup>F4</sup>level 3 on the standard scale].]

- (5) [<sup>F1</sup>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) [<sup>F1</sup>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) [<sup>F1</sup>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.]
- (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 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 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.
- (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 [<sup>F5</sup>, section 140 and section 140A] below—

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“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.

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#### Textual Amendments

- F1** S. 139(3)-(7) ceases to have effect in part (18.12.2013 ss. 1(3), 3) by virtue of [London Local Authorities and Transport for London Act 2013 \(c. v\)](#), **s. 9(9)**
- F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F3** Words inserted by [Transport Act 1982 \(c. 49, SIF 107:1\)](#), **s. 65**
- F4** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F5** Words in s. 139(11) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8**, Part I, para1; S.I. 1992/2984, art. 2(2), **Sch. 2**.

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#### Modifications etc. (not altering text)

- C1** S. 139: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), **Sch. 1**
- C2** S. 139(2)(e) modified (18.12.2013 ss. 1(3), 3) by [London Local Authorities and Transport for London Act 2013 \(c. v\)](#), **s. 10**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 139(11) words substituted by 2004 c. 18 s. 70(1)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 79(15)(aa) inserted by 2023 asc 3 Sch. 13 para. 54(b)
- s. 90B(1A) inserted by 2015 c. 20 Sch. 10 para. 15(3)
- s. 90C(2)(2A) substituted for s. 90C(2) by 2015 c. 20 Sch. 10 para. 16(3)
- s. 90FA inserted by 2015 c. 20 Sch. 10 para. 20
- s. 118ZA(5)(a) words inserted by 2015 c. 20 s. 25(3)
- s. 120(3ZA) inserted by 2000 c. 37 Sch. 6 para. 13(6)
- s. 121E(1A)(1B) inserted by 2015 c. 20 s. 23(5)
- s. 146(6) inserted by 2015 c. 20 s. 24(6)(d)
- s. 147(1A) inserted by 2015 c. 20 s. 24(3)
- s. 147(5A) inserted by 2015 c. 20 s. 24(5)
- s. 203(2)(b)(ia) inserted by S.I. 2023/908 reg. 6(2)(b)
- s. 219(1)(a)(i)(ii) inserted by S.I. 2023/908 reg. 6(3)
- s. 220(1A) inserted by S.I. 2023/908 reg. 6(4)(b)
- s. 223(1A) inserted by S.I. 2023/908 reg. 6(5)(b)
- s. 223(5A) inserted by S.I. 2023/908 reg. 6(5)(d)
- s. 223(5B)-(6) s. 223(6) renumbered as s. 223(5B)(6) by S.I. 2023/908 reg. 6(5)(e)
- s. 322(5)(ab) inserted by 2004 c. 18 s. 64(2)
- s. 325(2B) inserted by 2015 c. 20 Sch. 10 para. 21
- Sch. 6 para. 1(3ZA) inserted by 2015 c. 20 Sch. 7 para. 8(2)(b)
- Sch. 6 para. 2(2ZA)-(2ZE) inserted by 2015 c. 20 Sch. 7 para. 8(3)
- Sch. 6 para. 2(4) inserted by 2015 c. 20 Sch. 7 para. 8(4)
- Sch. 6 para. 2(5)(6) inserted by 2015 c. 20 Sch. 7 para. 8(5)
- Sch. 6 para. 2ZZA inserted by 2015 c. 20 Sch. 7 para. 8(6)
- Sch. 6 para. 4A(2) inserted by 2015 c. 20 Sch. 7 para. 8(7)(c)
- Sch. 6 para. 5(ba) inserted by 2015 c. 20 Sch. 7 para. 8(8)
- Sch. 6 para. 4A(1) words renumbered as Sch. 6 para. 4A(1) by 2015 c. 20 Sch. 7 para. 8(7)(a)
- Sch. 6 para. 4A(1) words substituted by 2015 c. 20 Sch. 7 para. 8(7)(b)
- Sch. 6 Pt. 1 para. 2B(4) inserted by 2015 c. 20 s. 25(6)