

Circulation: All members

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Mud on the road

Purpose

To update and remind members on rules surrounding mud on the road and what you should and must do.

Summary

The wet summer and autumn, and the impending root crop harvests mean that there is likely to be an increased risk of high levels of mud getting onto the roads. As well as being illegal, excessive mud on the road has led to some serious and fatal accidents and it is essential that members take steps to minimise its impact.

Background

The Law

Farmers and vehicle operators who deposit mud on the road are potentially liable for a range of offences. While there is a range of powers available to the police and highways department the primary powers fall under the Highways Act 1980.

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 highways authority the power to clean the road and recover its expenses from the person causing the obstruction.

Section 161 Highways Act 1980 "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".

Civil action

Civil action may also be a possibility where the mud contributes to a personal injury, damage to property, or any loss or inconvenience. The presence of mud can constitute a public nuisance and loss or injury can result in a claim for negligence.

It is highly likely that a land owner will be liable despite a contractor making the deposits under the law of nuisance and/or negligence.

It is highly advisable that a plan is discussed and documented with a contractor prior to any works being carried out. It should clearly state who will be responsible for the clear up operation as well as who will take the measures such as signage in order to minimise any deposits and risk. If necessary a contractor should give an undertaking to this effect.

What should I do?

What you should do:

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

What you must do:

- Do everything possible to prevent mud being deposited on the road. This includes cleaning mud from vehicles, as far as practicable, before they are taken onto the road.
- ***If there is a danger of mud being accidentally deposited on roads***, use 'Slippery Road' signs with a 'Mud on Road' sub plate to alert other road users. Check with your local highways authority their requirements for warning signs at the side of the road.
- Clean the road as necessary during the working day and always at the end of the working day.
- Ensure that 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 on road issues (signage, cleaning etc) and ensure that adequate public liability insurance is in place.

Further Information

Highways Act 1980

[http://www.legislation.gov.uk/ukpga/1980/66Road Traffic Regulation Act](http://www.legislation.gov.uk/ukpga/1980/66Road%20Traffic%20Regulation%20Act)

Road Traffic Act 1988

<http://www.legislation.gov.uk/ukpga/1988/52/contents>

Highway Code

http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG_070304