

Guidance for farm vehicle operators

Mud on the road resulting from working farm vehicles has been an issue for some time. In future a number of factors will combine to make it an even bigger problem:

- Changes in farming (fewer, larger businesses operating vehicles covering greater distances, changes in cropping patterns, growth in contracting sector)
- Weather patterns (climate change leading to wetter autumns and winters)
- Rural road use (more vehicles travelling further distances at greater speeds)

The Law

Farmers and vehicle operators who deposit mud on the road are potentially liable for a range of offences. This guidance note is not a complete statement of the law or of your possible liabilities.

Criminal Law

A range of powers is available to the Police and Highways Authorities, primarily under the Highways Act 1980, the Road Traffic Act 1988. Highways Act 1980 Section 137 "If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence". Highways Act 1980 Section 148 "If without lawful authority or excuse a person deposits anything whatsoever on a highway to the interruption of any user of the highway he is guilty of an offence".

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.
- Be prepared to 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. The fact that cleaning mud off tractors and attachments is commercially inconvenient may not be a defence in law.
- Only use signs that are authorised. The recommended sign shows the 'Slippery Road' triangle with 'Mud on Road' sub plate. If appropriate, the 'Men at Work' sign should be used. Signs must be at least 750mm.. Make sure they are positioned to give maximum visibility and warning to other road users.
- 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.

Highways Act 1980 Section 161 “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”. Furthermore, the Road Traffic Act 1988 covers situations where a mechanically propelled vehicle is driven dangerously on a road. Driving dangerously can include driving a vehicle in a state that could cause danger to others. Punishment for these offences ranges from fines to imprisonment.

Civil action

Civil action can occur where the presence of mud results in personal injury, damage to property, loss or inconvenience. The presence of mud can constitute a public nuisance and loss or injury can result in a claim for negligence.

Health and safety

Under the Health and Safety at Work Act 1974, employers have a duty to look after the health and safety, not only of themselves, their family and employees, but of anyone who may be affected by their working operations. Employees also have responsibilities to themselves and others.

Recovery of clean up costs by Highways Authority

The Council/Highways Authority has a duty to assert and protect the rights of road users. 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.

This guidance note is not a definitive guide to responsibility and conduct.

Information and guidance can also be found on the [NFU website](#)