

Department for **Transport**

Councillor Charles Nightingale
Chairman of the Council
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridgeshire
CB23 6EA

Edward Bunting
Senior Policy Adviser
RLMP
Department for Transport
Zone 3/14
Great Minster House
76 Marsham Street
London
SW1P 4DR
Direct Line: 020 7944 2402
Divisional Enquiries: 020 7944 6067
Fax: 020 7944 2469
GTN No: 3533 2402
edward.bunting@dft.gov.uk

Web Site: www.dft.gov.uk

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Dear Councillor Nightingale,

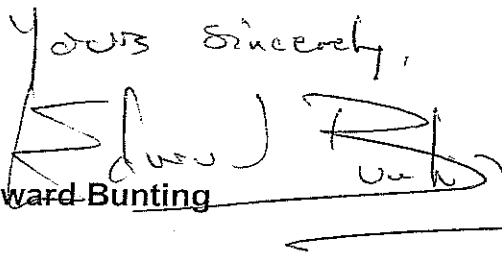
Thank you for your letter of 2 February 2010 to the Minister of State for Transport, conveying your council's resolution on the clearing of snow by members of the public. I have been asked to reply.

There is no legal restriction preventing members of the public from clearing snow and ice from roads managed by a local highway authority. Provided that they are reasonable and careful, it is unlikely that a member of the public would face any legal liability, and those using the road or footway have a responsibility to be careful themselves. Action by citizens to clear snow and ice outside their properties does not remove the duty placed on the local highway authority by section 41 of the Highways Act 1980 "to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice". With regard to the clearing of snow and ice from private property the Department for Communities and Local Government (DCLG) have worked with the Health and Safety Executive to provide advice (www.communities.gov.uk/news/corporate/1431227).

The Institute of Occupational Safety and Health (IOSH), the chartered body for health and safety professionals, issued a press notice in January urging businesses and communities to be community spirited and clear snow and ice from public areas (www.iosh.co.uk/news_and_events.aspx).

My Secretary of State has also set out the Government's position on this matter (House of Lords, *Official Report*, 8 Feb 2010: Column WA100). However, clearing snow and ice is, for individuals, a personal matter; and we would wish to avoid the suggestion either that the Government is imposing a duty, or that individuals who do choose to take action have some immunity from the results of their actions simply because the Government said that they could act.

Yours sincerely,


Edward Bunting