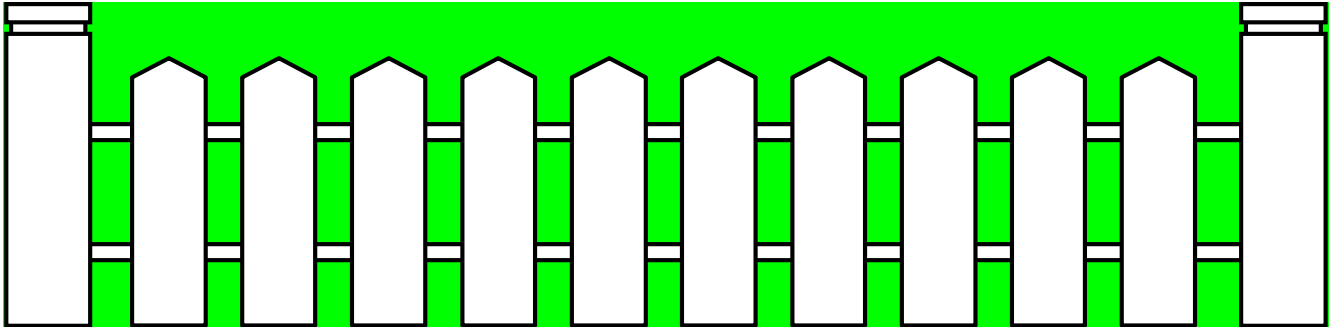


Fences and Perimeter Protection



Toppings

Perimeter security is the first line of defence when considering the security of your home. To be effective fencing must be 2.4 metres high. A higher level of security can be gained by adding "toppings".

Toppings are anti-scaling devices such as anti-climb paste, barbed wire, spiked tops, carpet gripping track, rotating vanes etc. Before using these or similar devices the legal implications need to be considered.

British Standard 1722 indicates the use of barbed wire as the topping for chain link fencing but where open mesh fences are used any of the above devices may be fitted. Steel palisade fencing can be topped but the deterrence to climbing is usually achieved by the pales being pointed and/or split or fanged.

Highways Act 1980 Section 1

This act and section directs that where on land adjoining the footpath or road there is a fence with barbed wire in or on it, and where this wire is a nuisance to the highway then the Local Authority may, by notice, served on the occupier or owner of the land, require the occupier to abate the nuisance within such time

not being less than one month nor more than six months from the date of service of the notice.

Section 4

Barbed wire means wire with spikes or jagged projections and is deemed to be a nuisance to a highway if it likely to be injurious to persons or animals lawfully using the highway.

Occupiers Liability Act 1984(Particularly Section 5)

The occupier of premises owes a duty of care to others whether people are on his premises legally or not. Taking reasonable steps to give warning of the danger may discharge this duty. Where anti-scaling devices are used then notices should be prominently displayed giving warning of the danger of serious injury if climbing is attempted.

Local Authority

The Local Authority generally do not police issues relating to fence heights and toppings but demand that a boundary fence complies with the Town and Country Planning Act which states that such a fence is no more than 2 metres high. Should additional height be required then it is a matter for the owner to request permission from the Planning Authority for such a fence to be erected.

Notes

It is clear that occupiers of land with fences adjoining the highway must take care that injury is not caused to passers-by or intruders from anti-scaling devices (including anti-climb paste). However placing prominent warning signs at reasonable intervals along the fence can reduce the liability of the occupier.

The opinion of some Local Authority Highway Departments is that as long as jagged projections cannot easily be touched and are clearly visible to passers-by then they would take no action.

As a general rule toppings fitted below 1.8 metres could be considered dangerous and the occupier of the land at risk in court. Above 1.8 metres but below 2.4 metres then liability would be reduced if warning signs are clearly fixed at reasonable intervals. Above 2.4 metres liability is reduced further.

Electric fences must not produce lethal doses of electricity.

“Crime prevention advice is given free without the intention of creating a contract. Neither do the Home Office nor Police service take any other legal responsibility for the advice given”

Further free crime prevention advice can be obtained from:

Chase Crime Reduction Officer PC 3484 Gordon Scott on 01785-218828,

E-mail gordon.scott@staffordshire.pnn.police.uk

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