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Golf Courses: Vehicle Road Tax, MOT and Driving Licences

Over the past month several Golf Courses have asked me to confirm the legislation on use of vehicles on a golf course. I had conversations with various authorities including Cupar Police and Fife Council Recreation Department.

They confirmed that the rules on Vehicles on the road are subject to several pieces of legislation dealing with Road Traffic Act, Fuel Tax Regulations and Health & Safety Regulations. Interpretation has been confused by circulars sent out by the DVLA, some motorcycle Clubs and some Community Activists

Recently the government has tried to restrict the use of Quad ATV, mini-moto, scrambler bikes and dune buggies, as these have been a problem on public roads and private property. The key points are that third party insurance is required for their use and the permission of landowner. This means that some bridleways and cycle tracks are designated public areas in this regard but are not public roads in the terms of the Road Traffic Act.

The government are also keen to restrict the use of red diesel to its proper use. Red diesel is not taxed because these vehicles do not incur the exchequer in costs for road repair etc, as they spend most of their time on private land. Contractors have been abusing the use of red diesel to carry out contracts, transport materials, etc. and thus not paying the due tax. The use of Red Diesel in this case is not now acceptable. Some articles and brochures have tried to describe contract work but their use of language has allowed misinterpretation and resulted in confusion amongst legitimate users.

In summary, as long as your greenkeepers stay on your land, they do not need road tax for the vehicles or driving licences for themselves. They have been authorized to use your property. Your Public Liability Insurance should cover third party accidents on your property. If your vehicles have diesel engines, they can run on red diesel. However, remember, under the Health & Safety Legislation, it is expected that your equipment is fit for purpose and maintained to that level, your property is adequately maintained and your employees competent.

It has been accepted that if you have two parts to your course intersected by a minor road, your greenkeepers can cross at right angles and no Vehicle Road Tax or Driving Licence is required. Site lines would have to be adequate. Please check that your Public Liability Insurance covers the use of all your vehicles in this way.

If they go along the public road, even for a few yards, they come under the Roads Traffic Act 1988 which requires Road Tax, MOT & Driving Licence. Each vehicle would then require a Vehicle Insurance. Pavements along a road are classified as part of the public Road.

If you have buggies run by the Professional, please check that his Public Liability Insurance covers the use of buggies. Golf Buggies are not able to be registered as Agricultural Vehicles and are not allowed on the public roads.

There are some grey areas which you must address. In some cases, a road or footpath on private property, used by the public, can be construed as a public road. This happens mainly in public parks. If there is any doubt, you must consider providing gates at the entrance to your property and signs to show that 'This is a private road for the use of vehicles of members, visitors and other authorized persons'.

Or

'The only vehicles which have permission to use this road are Golf Club employees in furtherance of their work'

The gate can be left open but it would be advisable at least once per year to close it for a nominal 24 hours. This would confirm that this is private road.

Any road that is adopted and maintained by the Local Authority is Public Road and comes under the Roads Traffic Act. You would not be allowed to put a gate on this road. Under the Road Traffic Act, vehicles being used on public road must be appropriately road taxed, MOT, insured and their drivers licenced.

There is an exemption in the case of Agricultural Vehicles.

Agriculture includes Horticulture which includes Amenity Horticulture which includes Golf Courses. The road tax for agricultural work vehicles, tractors and other work vehicles which occasionally go along roads to uplift crops etc, is Agricultural Road Tax – and is free, but registration has to be renewed every year, the same as any other road vehicle. At the moment, these vehicles are exempt from requiring an MOT. Remember however that equipment must be fit for purpose and maintained to that level, These vehicles must have Third Party Insurance, which would be covered under your Public Liability Insurance. Your drivers have to hold an appropriate Driving Licence. There are several conditions which would allow those over 16 years of age on a provisional licence to use your equipment on the roads, but this is better avoided. It is accepted that you can travel along a road for a restricted distance each day for work in the pursuance of your business – a radius of 15 miles per day from the base is quoted.

Contractors are no longer able to use these exemptions unless they can prove they are in strict accordance with the various laws. It is important therefore that you do not do anything with these vehicles which could be construed as contracting.

Use of Red Diesel: If your vehicle always stays on land owned or controlled by yourself, you can use red diesel. If they stay on the land of an adjacent farmer with his permission, you can use red diesel. If your vehicles are only carrying out restricted journeys on Public Roads, as under the Agricultural Road Licence above, you can use red diesel. Unfortunately, the Customs & Excise are no longer accepting that work on a golf course comes under "Agriculture" and thus any travel on the road requires White Diesel to be used!

Contractors should not use red diesel to go from site to site. Local Authority Park Departments became 'contractors' in the reorganization of 1992. For this reason Local Authorities have converted all their equipment which is used on public roads to white diesel.

You cannot use white & red diesel in the same vehicle The vehicle either uses white diesel or red diesel for its life. If white diesel is put into the tank, red diesel must first be washed out and never again used in the tank. If even a trace of red diesel is found in the tank of white diesel, the tank is considered to hold red diesel and the owner can be charged if appropriate.

Actions Required

1. Identify all areas that are owned or controlled by the Golf Club. Erect signs and gates as required. This land is under your control and you, and others designated by you, have permission to use it. The signs should reflect this.
2. Identify all vehicles which will be used on public roads, register them as Agricultural Vehicles and manage their use to be restricted on the public road to drivers who are properly licenced. White diesel must be used at all times in this vehicle. Confirm with your Public Liability Insurance that such use is covered.
3. Clearly take a note in your diary to what uses the licenced vehicles are put. This will justify to the authorities your actions should they question you.
Restrict all other vehicles to land owned or controlled by the Club. These vehicles do not have to be registered, MOT, the drivers do not require a licence and red diesel can be used. Maintain a record of servicing & checks for all equipment

RED DIESEL

In January 2009 an agreement was made with HM Revenue & Customs which basically said that Golf Courses are not part of Agriculture and if their vehicles went along a road, at any time, they must use white diesel not red diesel. As HSE, DVLA and many other Government Departments categorize Golf Courses as being under Agriculture, this does not make sense! Did we have any representatives in this agreement?

On reading the [Fuel for road vehicles](#) advice from HMRC it would appear it may be possible to apply for a relief and pay tax only for fuel used on the road. The HMRC Inspector could not advise on this as he said it was only granted in exceptional circumstances and has to be applied for on an individual basis (See Section 6 Reaping rebate to enable rebated oil to be used on the road.)

However, most Golf Courses I have spoken to only use the tractor and trailer to pick up petrol from the local Petrol Station. The suggestion is that they register a petrol driven Kawasaki Mule or JD Gator for Agricultural Road Tax (Cost : Free) ,confirm that their Public Liability Insurance covers them for this (Cost : Free), and use this vehicle to pick up the petrol. The petrol used in the Mule or Gator has already been taxed and the HM Revenue & Customs are happy. Golf carts are not able to be licenced on the road under the Agricultural Road Tax. Please note that trailers or pickups can uplift petrol from a petrol station, but enclosed vehicles, vans or car boots, cannot be used.

I know some golf courses have to cross roads to access parts of their course. The sources I have asked, Police & DVLA, say that crossing a road at 90 degrees does not attract Driving or Road Licence. It does come under Health & Safety and a risk assessment must be made. I have not enquired of HM Revenue & Customs as some 'jobsworth' is likely to say that this is using the road!

References for you:

- [Revenue & Customs Brief 42/08 Use of rebated fuel in grass cutting vehicles](#)
 - [Memorandum of Agreement](#)
 - [BIGGA Article on Red Diesel](#)
 - [Fuel for road vehicles](#)
 - _____ See Section 8.2 Vehicles which do not go along the public road can use Red Diesel
 - [FAQ: Hydrocarbon Oils - Use of Agricultural Vehicles on the Public Road](#)
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OIL STORAGE IN SCOTLAND

This will be the subject in a future Newsletter but for those interested the following links will explain the requirements of the new/ ongoing legislation.

[Water Environment \(Oil Storage\)\(Scotland\) Regulations 2006](#)

[SEPA Advice on Oil Storage Regulations](#)

[Scottish Government Advice on Oil Storage Regulations](#)