

MEMORANDUM OF AGREEMENT IN RESPECT OF THE USE OF AGRICULTURAL VEHICLES ON THE ROAD

Parties to the agreement

In consideration of the need for clearly understood and easily applied guidelines on the use of agricultural vehicles on road, and the need for these guidelines to respect the intent of the law whilst minimising regulatory burdens on the agricultural, horticultural and forestry industries, the following Government departments and agencies and industry associations have reached a common position on how legislation shall be interpreted and applied:

Her Majesty's Revenue and Customs
Driver Vehicle Licensing Agency
National Farmers Union
National Association of Agricultural Contractors
Confederation of Forest Industries

The purpose of this Memorandum of Agreement is to provide guidance to those engaged in agriculture, horticulture and forestry, and to agencies enforcing compliance with the legislation. Where disputes arise these will continue to be considered on an individual basis with regard to the relevant legislation and any definitive interpretation of the law would remain to be given by the courts.

Scope of agreement

This memorandum of agreement is restricted to the use of agricultural vehicles by the occupier of the land or the owner of the crop, or to a contractor or other person engaged to perform an agricultural, horticultural or forestry operation on the land.

The agreement applies to the following types of vehicle:

- agricultural tractors
- agricultural engines
- agricultural material handlers
- light agricultural vehicles
- vehicles used between different parts of land

Definitions of these vehicles, for hydrocarbon oils duty purposes, can be found in Schedule 1 to the Hydrocarbon Oil Duties Act 1979, as amended.

Definitions of agricultural vehicles, for vehicle excise duty purposes, can be found in Schedule 2 to the Vehicle Excise Registration Act 1994, as amended.

Vehicles covered by this agreement are:

- exempt from vehicle excise duty (VED); and

- entitled to use rebated gas oil (red diesel)

when used on public roads solely for purposes relating to agriculture, horticulture or forestry.

Other classes of vehicles that are exempt from VED or entitled to use red diesel are not covered by this agreement.

In the case of agricultural engines use of red diesel is restricted to proceeding to and from a place where the vehicle is to be used or has been used for these purposes. When so proceeding the vehicle may not carry any load except such as is necessary for its propulsion or the operation of any machinery that is built-in or permanently attached. Examples of acceptable loads that can be hauled by agricultural engines include the header of a combine harvester or a bowser for a crop sprayer.

In the case of vehicles nil-licensed for limited use between different parts of land, use of public roads is restricted to passing between different areas of land occupied by the same person where the distance traveled on public roads in passing between any two such areas does not exceed 1.5 kilometres.

In addition to use for purposes relating to agriculture, horticulture or forestry, agricultural tractors and agricultural material handlers may also be used for:

- a) cutting verges bordering public roads
- b) cutting trees or hedges bordering public roads or bordering verges which border public roads.

Activities accepted as falling within the definition of agriculture, horticulture or forestry include:

- the breeding or rearing of any creature kept for the production of food, wool, skin or fur, or for the purpose of its use in the farming of land.
- the growing or harvesting of crops including cereals, combinable crops, roots, tubers, vegetables, pulses, fruit, nuts, grasses, oilseeds and fungi for food, beverages, fodder, fuel or industrial purposes
- the growing or harvesting of flowering or ornamental plants
- the growing or harvesting of timber or other forestry products
- the upkeep of agricultural land such as set aside under environmental management schemes

Activities not accepted as falling within the definition of agriculture, horticulture or forestry include:

- the breeding, rearing or keeping of any creature for purposes relating to sport or recreation

- dealing in agricultural, horticultural or forestry products
- landscaping
- the maintenance of recreational facilities, including beaches.
- flood protection
- peat or loam extraction
- the exploitation of wild animal or fish stocks
- construction of buildings or other structures used for purposes relating to agriculture, horticulture or forestry.
- transportation of agricultural, horticultural or forestry produce, livestock, implements, inputs or waste, other than where this is incidental to an agricultural, horticultural or forestry operation being performed on the land. Accepted transportation uses are as set out under this agreement.

Subject to restrictions in the definition of the particular type of vehicle, agricultural vehicles may use red diesel on public roads and will maintain exemption from vehicle excise duty in the following circumstances:

Movement of machinery

- Travel to and from a place where the vehicle is to be used or has been used solely for agricultural, horticultural or forestry purposes.
- Transport of trailed or mounted agricultural, horticultural and forestry implements, and of equipment or inputs required for the operation of such an implement, as part of an agricultural, horticultural or forestry operation. This does not include the towing of personal accommodation.
- Transport of agricultural, horticultural or forestry machinery, and equipment or inputs required for the operation of such machinery, as part of an agricultural, horticultural and forestry operation. This does not include the transportation of vehicles for personal transport in an agricultural trailer.
- Taking agricultural vehicles and trailed or mounted implements to be serviced or repaired.
- Delivery or collection of an agricultural vehicle used solely for agricultural, horticultural, or forestry purposes that has been bought, sold or hired.

Movement of machinery by dealers and others not engaged in agriculture, horticulture or forestry is not covered by this agreement.

Movement of produce and livestock

- Transportation of agricultural, horticultural or forestry produce within or between different areas of land occupied by the same person.
- Transportation of livestock within or between different areas of land occupied by the same person.
- Transport of agricultural, horticultural or forestry produce from the place of production or temporary storage.
- Transport of livestock to a place where the produce is to be sold or slaughtered.

The transportation of produce must be incidental to an agricultural, horticultural or forestry operation being performed on the land. The onus is on the person transporting the load to demonstrate that this is the case. Transportation of produce which requires an Operator's Licence may not be accepted as being incidental.

Transportation on public roads of produce or livestock by a contractor employed solely for that purpose is not included within this agreement.

Movement of agricultural, horticultural and forestry inputs

- Collection of inputs and equipment to be used as part of an agricultural, horticultural or forestry operation, and transport within or between different areas of land occupied by the same person of inputs and equipment to be used as part of an agricultural, horticultural or forestry operation.

This includes:

- hand tools
- fertilisers (including farm produced manures and slurries)
- pesticides
- seed
- animal bedding, feed and water
- fencing materials
- road planings for the repair of unsealed tracks

This does not include:

- household furniture or fittings
- supplies required for domestic use
- organic waste for disposal on agricultural land

Movement of waste etc.

- Movement of agricultural, horticultural or forestry waste, within and between different parts of land occupied by the same person. The waste should have been produced by the occupier of the land.

- Transport of agricultural, horticultural or forestry waste from the place where the waste was produced to a place where it is to be collected by a licensed waste carrier (or to a licensed waste disposal site if nearer). This includes inorganic waste such as plastic packaging.
- Clearing the road after agricultural, horticultural or forestry operations.
- Snow clearing to restore access.

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