

SAFETY BRIEFING

HMRC Rules - Use of Red Diesel in Tractors / Plant.

What happened?

A Tractor being used for the purposes of construction haulage was running on red (excise exempt) diesel whilst on the public road. Tractors are only permitted to run on red diesel for agriculture, horticulture or forestry purposes and therefore the law had been breached. Costain has paid a fine to HM Revenue and Customs as a result of this.



Key Learning Points:

1. A tractor must be an **agricultural** tractor to qualify for exempted status and must only carry out agriculture, horticulture or forestry work unless they are permanently designed as a digging machine and used for this purpose (see point 3 below). If the criteria are not met, the tractor cannot use red diesel on the public road.

Tractors are NOT permitted to use red diesel on a public road (even when travelling to / from a works access point) for activities such as site clearance, site fencing, general haulage of plant on a trailer, transporting a fuel bowser, damping down, etc.

2. Other plant, for example, all-terrain telehandlers, forward tipping dumpers and rear tipping dumpers fall under the definition of a 'works truck' (Excise Notice 75, Section 8.15) providing that they meet the following criteria:
 - a) carrying goods between private premises and a vehicle on a road within one kilometre of those premises
 - b) passing from one part of private premises to another
 - c) passing between private premises and other private premises in a case where the premises are within one kilometre of each other, or
 - d) in connection with road works at the site of the works or within one kilometre of the site of the works

A tractor towing a trailer is not a works truck.

Plant operating within the definition of a 'works truck' (not Tractors) may use red diesel on the public road. All plant and vehicles going on the public road must be taxed and insured as construction vehicles.

3. The following items of construction plant may also use red diesel on the public road (see Excise Notice 75 for specific classifications for each category):
 - Mobile cranes (when travelling to and from a place of work). This category does not include load carrying vehicles such as vans with access platforms.
 - Mobile pumping machines. This category does not include gully suckers.
 - Rollers
 - Road surfacing vehicles (e.g. asphalt pavers and tar sprayer). This category does not include Asphalt Hot Boxes.
 - 'Digging machines' – such as wheeled excavators (rubber duck), backhoe loaders (e.g. JCB 3CX), drilling rigs or a tractor with a permanently-attached front shovel. The vehicle must be designed, constructed and used for the purpose of trench digging or any kind of excavating or shovelling work to be classified as a 'digging machine'. See Excise Notice 75, Section 8.4 for full details.

HMRC are continuing their investigation and will undertake an audit to identify if they are owed any unpaid excise duty.

If there was to be another instance of a Tractor being operated by Costain with red diesel on the public road there would be further (increased) fines and the Tractor could be seized and not returned.

Further guidance is available from the HMRC at:

<https://www.gov.uk/government/publications/excise-notice-75-fuel-for-road-vehicles/excise-notice-75-fuel-for-road-vehicles>

