



DON'T SEE RED OVER DIESEL

Using cheaper red diesel on the golf course to save money is fine - but don't take it on the road, warns Mike Beardall

Red Diesel has been under the spotlight since changes in legislation tightened up the rules relating to use on the road.

This has created a grey area in the minds of many golf course managers who wonder if they can still drive their red diesel-fuelled vehicles on the road – even a short distance between courses.

The answer is “No”.

Only agricultural contractors and farmers moving between farms to carry out agricultural or horticultural work can use red diesel on the road.

Vehicles powered by red diesel on the golf course have to stay there. A trip between courses on a stretch of public highway in such a vehicle is no longer allowed for red diesel users.

What is Red Diesel? It's simply ordinary diesel that has been dyed red and has a chemical agent

added that can be detected by VOSA (Vehicle and Operator Services Agency) or HM Revenue and Customs inspectors who suspect it has been misused.

And it is much cheaper – about half the price of ordinary diesel, because the Government reduced tax on this fuel for those users deemed “essential” to producing food and working on land and building sites.

Red diesel has been a contentious issue among contractors – many working on golf courses.

“We can transport our diggers, dumpers and tractors by lorry and trailer to the site if they are to use red diesel,” said Barry Pace, Contracts Manager of Speedcut Contractors of Oxford.

“Taking those vehicles on the road, even between sites, is strictly not allowed any more.”

Agricultural contractors have had just as many questions because they assumed they were able to use red diesel for vehicles on the road if they were on their way to a farm to deliver supplies to carry out farm work. But again the answer is “No”.

“The Government has changed many of the rules regarding red diesel,” said Jill Hewitt, Chief Executive of NAAC (National Association of Agricultural Contractors).

“There was a lot of confusion when the new rules came into operation on April 1 – but a clear set of guidelines has now been issued.”

Fined after mowing rugby pitch

The IOG has issued a warning to members that the use of red diesel in tractors and certain ride-on equipment previously lawful on public highways while carrying out recreational or amenity grounds work, or landscaping, is now illegal.

It says: “Following changes to The Excepted Vehicles (Amendment of Schedule 1 to the Hydrocarbon Oils Duty Act 1979) Order 2007, vehicles not entitled to the use of red diesel on public roads include those involved with the maintenance of recreational facilities and landscaping. Offenders can be fined £250.

“The term ‘Recreation’ is not fully defined by the HM Revenue and Customs help desk - but a farmer using his tractor running on red diesel en route



Cal Callaby



Celtic Manor

from mowing a rugby pitch has been fined.”

The entitlement to the use of rebated gas oil (red diesel) is restricted to the use of agricultural vehicles engaged in agricultural, horticultural and forestry operations on the owner’s land or by his contractor when using the following vehicles on public roads: Agricultural tractors and agricultural materials-handling vehicles plus light agricultural vehicles (not exceeding 1,000 kgs and constructed to seat only the driver).

In addition, agricultural handlers may also use red diesel while cutting verges bordering public roads, and cutting trees and hedges bordering public roads.

But contractors looking after public amenity areas, including verges and roundabouts, cannot use red diesel.

Jill Hewitt said: “We are delighted it has been made clear that contractors are allowed to use red diesel to move between agricultural operations but we must not abuse our privilege and I would urge all operators to take note of the Memorandum of Agreement issued by the NAAC, NFU and Confederation of Forest Industries.”

Golf courses saving money

On golf courses the massive savings on fuel by using red diesel pays dividends – but Course Managers must be aware of the ban on using red diesel vehicles on the road.

“I would err on the side of caution with all vehicles running on red diesel,” said Cal Callaby, Workshop Manager at Celtic Manor in Newport, South Wales.

“Don’t gamble on taking a vehicle on a road at any time with red diesel in it. The rules are quite clear – no vehicle used on a golf course running on red diesel can be taken on the public highway.”

Celtic Manor, which opened its new £16million pound 2010 Ryder Cup course for the Wales Open in May, runs more than a 100 vehicles on red diesel on the course.

These include tractors, grass-cutting machinery, ride-ons and utility vehicles such as the Toro Workman. Cal keeps a list of which vehicles run on red diesel and which on white so there is no confusion.

CAN I APPEAL AGAINST PENALTIES IMPOSED?

HM Revenue and Customs say there is a formal two-stage process to deal with appeals against decisions.

Here is their statement:

If you disagree with any of the following:

- the terms offered for restoration of a vehicle (or engine) we have seized
- our refusal to restore any vehicle (or engine) we have seized
- the imposition of a civil penalty or civil evasion penalty or
- the assessment.

You may request a formal departmental review. Your request should set out the reasons for your disagreement and must be submitted in writing to your local officer, within 45 days of our original written decision.

The review will be undertaken by an independent Review Officer, who will not have been involved in the decision. The review will be completed within 45 days of your written request and the outcome will be notified to you in writing.

If you disagree with our review decision you will have a further 30 days to lodge your appeal with the VAT and duties tribunal. You may not lodge an appeal with that tribunal until our review decision is given.

Cases involving criminal proceedings are not subject to these appeal arrangements.

More info: www.hmrc.gov.uk

“We save a lot of money using red diesel because it is half the price of white diesel. In our case we get through 4,000 litres a month at this time of year – and in the winter this goes down to 4,000 litres in total between December and April.”

Red diesel on golf courses must be stored in clearly marked tanks that say: “Not for use on the road”.

And beware putting red diesel in your diesel car for road use.

Police who stop vehicles and call HM Revenue and Customs (or VOSA) officers to do a test which proves positive can impound the vehicle – and take it away to be destroyed.

Heavy penalties and a criminal record are the result.

USEFUL WEBSITES:

www.hmrc.gov.uk

www.naac.co.uk

www.dvla.gov.uk

www.vosa.gov.uk

HM Revenue and Customs helpline:

0845 010 9000