



# Agriculture and the Public Roads

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## **Agriculture and the Public Roads**

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## **Introduction**

This is the updated edition of the Agricultural and the Public Roads booklet; it aims to present relevant information in a simple and easy to read format.

If you were familiar with the 2014 edition, you may wish to spend some time familiarising yourself with the updated regulations in this edition.

We would like to express our gratitude to the PSNI, HSENI, LANTRA , and CAFRE for their enthusiastic support and invaluable contributions. We hope that they will continue to join us in the effort to make Northern Ireland's roads safer for everyone.

*Ulster Farmers' Union*

January 2019

### **Important Disclaimer**

**ALL INFORMATION IN THIS BOOKLET IS, TO THE BEST OF OUR KNOWLEDGE, ACCURATE GUIDANCE TO THE LAW AS WE UNDERSTAND IT ON THE 12<sup>TH</sup> DECEMBER 2018.**

**ULTIMATELY THE FINAL INTERPRETATION OF THE LAW IS A MATTER FOR THE COURTS AND THE UFU, OUR OFFICE BEARERS, EMPLOYEES AND AGENTS CAN ACCEPT NO RESPONSIBILITY FOR ANY LIABILITY WHICH MAY BE INCURRED IN ANY SPECIFIC CIRCUMSTANCES.**

**PLEASE ALSO BE ADVISED THAT LEGISLATION IS SUBJECT TO CHANGE. YOU CAN KEEP UP TO DATE WITH CHANGES TO THE LEGISLATION AT [WWW.GOV.UK](http://WWW.GOV.UK)**

## Tax Classification

All vehicles which are used on the road must be registered and taxed according to their construction and use and must be covered by valid insurance.

*\*Even though your vehicle may be exempt from tax, you will still need to register it.*

*Tax discs no longer have to be displayed as of October 2014 \**

*\* If you wish to keep your vehicle off the road entirely, you will need to make a Statutory Off Road Notification (SORN)\**

The classifications relevant to this booklet are:

1. **Special Concessionary Vehicles** – These vehicles are exempt from tax payment and include “agricultural machines.”
2. **Light Good Vehicles** – These are vehicles with a gross permitted vehicle weight of up to 3500kg and designed for the carriage of goods e.g. vans.
3. **Limited Use Vehicles** – These are vehicles used for short journeys (no more than 1.5km) on the public road, between land that is occupied by the same person for the purpose of agriculture, horticulture or forestry. These vehicles have a nil licence in force.
4. **Large/Heavy Goods Vehicles (L/HGV)** – These are general goods carrying vehicles with a maximum permissible gross vehicle weight greater than 3500kg.

## Agricultural Machines

These vehicles must only be driven on public roads when engaging in agriculture, horticulture or forestry purposes or when travelling to or from a place where it will engage in such purposes.

This includes:

- Agricultural Tractors- these can only be used on public roads for agriculture, horticulture or forestry work only.
- Off- Road Tractors – a non-agricultural tractor designed for off- road use.
- Agricultural Engine - these are purpose built vehicles (for agriculture) e.g. self -propelled forage harvester or combine harvester.
- Agriculture Material Handler – these are specialist vehicles which are designed to lift goods or burden when the vehicle is stationary.
- Light Agricultural Vehicles – these are one person vehicles weighing less than 1000kg, designed and constructed primarily for off- road use and to be used solely for purposes relating to agriculture, horticulture or forestry work e.g. All- Terrain Vehicles such as quads.

“Agricultural purposes” not only includes those activities commonly associated with farming such as planting, harvesting and the transport of farm animals, but also; cutting hedges or trees, gritting, and snow clearance. You are also permitted to transport agricultural waste and machinery required for agricultural activities.

Simply moving any of the above items from one place to another, for purposes not related to an agricultural activity does not count.

It does not include the transport of machinery, materials or animals not directly related to agriculture.

*\*These vehicles are limited to **25mph on public roads**, unless they meet the requirements necessary to be able to travel at 40mph – which most do not and should only be driven on the road where it is necessary for agriculture, horticulture or forestry purposes\**

*\* If you fail to comply with these requirements, your vehicle will be classed as a haulage vehicle and lose its tax-free status and derogations on issues such as the fitting of tachographs\**

## Tractors and Agricultural Engines and Handlers

### Dimensions

**Width:** no more than 3m

- 3- 3.5m – if your journey is over 5 miles or involves travelling through a zone where the speed limit is 40mph or less, you must notify the police 2 days in advance on your journey, mark the vehicle with “wide load” signs and use a beacon.
- 3.5-4.3m – police must be notified 2 days before the journey. Maximum speed is **12mph**. You will need to be accompanied by an attendant (who may ride in another vehicle) who must ensure that no danger is caused to the vehicle or to other road users. The police may place further restrictions on travel to ensure road safety and avoid undue congestion. Mark the vehicle with “wide load” signs and use a beacon.

**Height:** If overall travelling height exceeds 3m a notice must be displayed in the cab. The notice must meet the following requirements:

- Can be read by the driver
- Clearly indicates the height associated with the vehicle or any trailer drawn by it.
- Express vehicle height in feet and inches, or in both feet, inches and metres
- The numbers giving the indication in feet and inches are at least 40mm tall;
- If the height is expressed in both feet, inches and in metres, the height expressed in feet and inches and the height expressed in metres must not differ by more than 50mm.
- No other letters or numbers which could be understood as being an indication of height associated with the vehicle or any trailer drawn by it should be displayed on the notice.

You should also be aware that a height restriction of 4.65m does apply in the Republic of Ireland.

**Length:** no greater than 12m. It is unlikely this will be exceeded.

**Maximum Authorised Mass:** must not exceed 31 000kg



## ***Physical Requirements***

### **Lights:**

**Lights are not required on an agricultural vehicle which is only used on the roads during the hours of daylight when visibility is good. However, if they are fitted, they must be in working condition.**

During the hours of darkness **and** during times of poor visibility, the following applies.

Agricultural vehicles of any age and capable of any speed must be equipped with:

- Front position lamp (side lamp)
- Rear position lamp (tail lamp)
- Rear retro- reflector.

Agricultural vehicles which first use is after 24<sup>th</sup> January 1996 and are capable of more than 15mph must be equipped with the above as well as:

- Dipped – beam headlights
- Direction indicators
- Hazard warning lights

Agricultural machines capable of more than 25mph must be equipped with the above as well as:

- Main- beam headlamp
- Rear fog lamp
- Stop lamp

An **amber warning beacon** must be used if you are travelling on an unrestricted (70mph) dual carriageway and where the maximum speed of the vehicle does not exceed 25mph. It is at the driver's discretion to use the beacon at other times and at other locations.

If your vehicle is fitted with **work lamps** you must not use these on public roads.

*\*All lights must be kept clean and be visible to other road users from a reasonable distance. \**

**Mirrors:**

All special concessionary vehicles, including agricultural machines, must be equipped with at least one mirror fitted externally to the offside. Mirrors must also be kept clean.

**Brakes:**

Braking efficiency of at least 25% is required so as to bring the vehicle to rest at a reasonable distance.

If your tractor meets the requirements to allow it to travel at speeds greater than 20 mph, you need to make sure your brakes comply with ECE Regulation 13 or EEC Directive 71/320/EEC. You should consult with your manufacturer for details. Most tractors do not meet these requirements and so this will not be relevant.

**All** tractors must also have a parking brake which is capable of holding the vehicle stationary on a gradient of at least 16%.

**Registration:**

Your registration plate on the rear of the vehicle should always be clear and visible from a reasonable distance. You should thus ensure that it is illuminated during the hours of darkness or in cases of poor visibility.

**Fuel:** all special concessionary vehicles are allowed to travel any distance on public roads on rebated fuel provided they are used for agricultural, horticultural or forestry purposes.

**Tyres:**

You will need to confirm that your tyres are in reasonable condition for the type of work you are planning to do, for example, cuts in excess of 25mm or bulges are not acceptable. Specific performance standards specifications are recorded for each tyre and only these are approved. You should consult with your tyre manufacturer or supplier if you are in any doubt.

**Horn:**

You should ensure that your vehicle is equipped with a horn that is functioning properly.

**Maintenance:**

It is your responsibility under the law to ensure that your vehicle is properly serviced and maintained to a safe and road- worthy condition. Although agriculture machines are exempt from the legal testing requirements which other vehicles using the road are subject to, you are required under *The Provision and Use of Work Equipment Regulations (Northern Ireland) 1999* to ensure that any equipment – including vehicles that you work with, or which you provide for others to work with, are maintained to a safe standard.

For further information, please refer to our chapter on ‘Operational and Road Safety’ which begins at page 18.

## Light Agricultural Vehicles

### ***Physical Requirements***

#### **Lights:**

In the daylight hours when visibility is good, you are not required to have lights fitted to your vehicle. However, you will be required to make hand signals to alert road users to the fact that you are changing direction or slowing down. If lights are fitted, they must be operational.

During the hours of daylight or in conditions of poor visibility, you will be required to fit the following lights:

For vehicles of any age and capable of any speed:

- Front position lamp
- Rear position lamp
- Rear retro – reflector
- Number plate lamp

For vehicles first used after 24<sup>th</sup> January 1996 and capable of more than 15mph, as above and:

- Dipped- beam headlamps
- Front and rear direction indicators
- Hazard lights

For vehicles first used after 24<sup>th</sup> January 1996 and capable of more than 25mph, as above and:

- Main – beam headlamp
- Rear fog lamp
- Stop lamp

For vehicles capable of more than 40mph, as above and:

- Dim-dip device or running lamp

*\*For LAV's with an unladen weight of less than 255kg direction indicators are not required. \**

**Horn and Speedometer:**

If your vehicle is capable of speeds exceeding 20mph you are required to fit a functioning horn (not a reversing alarm or a two-tone horn) and speedometer.

**Mirror:**

As with all special concessionary vehicles, you are required to fit at least one mirror to the offside of the vehicle.

*\*You are NOT allowed to carry passengers on an agricultural quad if it is constructed for only one person\**

## **Noise and Emissions**

The noise levels and emissions differ from vehicle to vehicle. However agricultural motor vehicles with engine power of 65 Kw first used prior to 31 October 1991, cannot exceed 92DbB(A), smaller engines and ones first used after 31 October 1991 cannot exceed 89Db(A). You should consult with the manufacturers guidelines on the fitting of silencers in order to reduce noise emissions. If you are operating near a residence during the hours of darkness, you should exercise due consideration for others.

You should also maintain your vehicle so as to reduce the emissions to a minimum. If your vehicle is emitting enough smoke or exhaust gases to create a risk to health or property you should not drive it on a public road.

## Trailers and towed appliances

An agricultural trailer is one which is used solely for the purposes of agriculture. In order to qualify as an agricultural trailer, it must be towed by an agricultural vehicle. There are different rules for private vehicles, including cars and jeeps which are also used for towing trailers. These will be dealt with at the end of the chapter.

An agricultural appliance is any other implement which is towed behind an agricultural vehicle so as to perform some function incidental to agriculture aside from haulage.

An agricultural vehicle driven by someone 17+ may tow:

- Two unladen agriculture trailer
- One laden agricultural trailer
- One unladen agricultural trailer and one agricultural trailed appliance
- Two agricultural trailed appliances

### ***Dimensions:***

**Length:** maximum length of an agricultural trailer is normally **12m**. In the case of a “composite trailer” which is a semi – trailer and converter dolly combined, the maximum length is **14.04m**. For agricultural appliance, the maximum length is **15m**.

The maximum combined length of a vehicle and one trailer is **18.75m**.

The maximum combined length of a vehicle and two trailers is **25.9m** .

### **Width:**

An agricultural trailer—maximum width—2.55m

An agricultural trailed appliance—maximum width—2.50m

**Weight:** The maximum laden weight of an agricultural trailer is 18290kg. The maximum weight of the vehicle plus the trailer (laden) or towed appliances is 31497kg. See the next section on brakes for further details as much will depend on this.

You should always refer to your vehicle’s plated weight to ensure that it is capable of towing the appliance you wish to transport.

## ***Physical Requirements:***

### **Brakes:**

Braking requirements for trailers and towed appliances depend on its maximum weight and the speed at which it is to be towed.

If your **trailed appliance** has a gross (combined with tractor) weight of less than double the unladen (tractor on its own) weight, no brakes are required.

If your agricultural trailer has a laden weight of less than 750kg, no brakes are required.

If your agricultural trailed appliance conveyor has an unladen weight of less than 510kg, no brakes are required.

The maximum laden weight permitted for a trailer with no brakes is 14230kg. However, trailers manufactured after 1989 usually have brakes of some description. You should consult your user's manual to familiarise yourself with the features of your trailer, and if they are fitted, ensure that they are working.

If your trailer has a gross weight of over 750kg, you will need brakes with efficiency of at least 25% on at least half of the wheels as well as parking brake on at least two wheels.

If your gross weight is lower than 3500kg and you will be exceeding 20mph off — road, your brakes must be compliant with the ECE Regulations 13 which state that anti-lock brakes must be installed.

*\*You must NOT exceed 25mph whilst driving an agricultural vehicle on a public road\**

### **Registration:**

It is not necessary for an **agricultural trailer**/towed appliance to match the number plate of the **agricultural vehicle** which is towing it; it is enough that the two number plates are registered to the same owner.



## **Lighting:**

It is strongly recommended that you equip all your trailers or towed appliances with indicators, retro reflectors and stop lights. If these are obstructed on your vehicle by the trailer so that they are not visible to other road users, you must fit these on the trailer.

Otherwise requirements for lighting depend on the length of the trailer or appliance:

Longer than 2.3m – side light, tail light reflectors, indicators.

Longer than 5m – as above plus two side reflectors every 3m.

Longer than 9m – as above plus side reflectors every 3m.

If your vehicle's beacon is obstructed by the trailer, you should take action to ensure it is visible, such as mounting it on a pole.

*\* A 'Danger: No Signals' sign is NOT a valid substitute for indicators or stop lamps\**

**\*under no circumstance should you tow any piece of machinery, other than equipment that's primary purpose is to be towed by an agricultural machine\***

## **Towing with a non- agricultural vehicle**

In agriculture, it is often necessary to use Private Light Goods vehicles such as Land Rovers or Jeeps to tow smaller trailers. Here the requirements are different, as these are not agricultural vehicles.

You will need to ensure that your registration matches the vehicle which is towing it. From January 2013, the entitlement to tow trailers with a category B vehicle was restricted. In effect, these vehicles will be allowed to tow:

- Small trailers weighing no more than 750kg

- Trailers weighing more than 750kg, where the combined weight of the towing vehicle and the trailer isn't more than 3 500kg Maximum Authorised Mass (MAM).

The weight you can tow will be dictated by the towing capacity of your vehicle. You will still only be able to drive vehicles up to 3500kg unladen weight.

You must check your vehicle handbook or specification sheet to ensure that your vehicle is capable of towing the weight of trailer proposed.

The maximum trailer width for non- agricultural trailers is 2.55m. The maximum length is 7 meters for a trailer towed by a vehicle weighing up to 3500kg.

If you get a tow bar for your car, it needs to be 'type approved.' This means it meets EU regulations and is designed for your car.

A type – approved tow bar will have a label with an approval number and details of the vehicles it's approved for.

If your car was first used before 1<sup>st</sup> August 1998, your tow bar doesn't need to be type approved.

You must have an adequate view of the road behind you. If whatever you are towing is wider than the rear of the towing vehicle, you may need to fit suitable towing mirrors.

Any trailer weighing over 750kg, including its load, must have a working brake system.

## **Projections**

In the case of an **agricultural motor vehicle**, the distance measured horizontally and parallel to the longitudinal axis of the rear portion of the vehicle, between the transverse planes passing through the rearmost point of the vehicle and through the centre of the rear or the rearmost axle shall not exceed 3m.

The length of a projection is measured from the furthestmost point of the vehicle and the furthestmost point of the projection.

### **Forward projections:**

**1-2m** - there is no legal requirement to mark these projections. However, we would encourage the following; the end of each projection should be clearly visible to other road users from a reasonable distance. During the hours of darkness or poor visibility these ends should be illuminated by reflectors.

**2 – 3.05m** – end and side of each projection must be marked with approved end (red) and side (amber) markers. These must be illuminated by marker lamps during the hours of darkness. You will also require an attendant to ensure the safety of other users.

**Over 3.05m** – as above plus two clear working days' notice to the Police.

**Over 4.5m** – extra side markers must be fitted so that there is a marker no more than 2.5m from the end of the vehicle and between markers.

### ***Rearward Projections***

**1-2m** – end of each projection must be clearly visible to other road users from a reasonable distance. During the hours of darkness or poor visibility these ends must be illuminated by reflectors.

**2-3.05m** – as above

**Over 3.05m** – as above

**Over 5m** – extra side markers must be fitted so that there is no more than 3m from the end of the vehicle and between markers.

*\* If your journey is more than five miles OR if you will be going through a zone with a speed limit of 40mph or less you must give the Police two clear working days' notice of your intention to travel\**

If you are going to be making frequent journeys with projections, you may wish to consider applying for **dispensation** from the chief constable. These dispensations will vary in the length of time they are granted for and the conditions imposed upon you. If you apply for and receive dispensation you **must** inform the police of any change in your equipment. It will also be your responsibility to make sure that the dispensation is renewed when it comes to expire.

## **Operational and Road Safety**

If you are an employer or self-employed person and you provide equipment, including vehicles for use at work or have control of equipment, you are bound by the *Provision and Use of Work Equipment Regulations (Northern Ireland) 1999*

### ***What do I need to do?***

You will need to make sure the equipment is:

1. Suitable for the purpose for which you are intending to use it, and for the conditions in which you want to use it, you should check for the “CE” mark, which informs you that your equipment complies with EU safety requirements.
2. Maintained in a safe condition. Familiarise yourself with the safety measures and potential dangers of your equipment. Your supplier must ensure that the correct safety measures are installed and inform you of any “residual risks” which cannot be designed out.
3. If necessary, inspected so as to ensure the safety of equipment for work. If a significant risk is identified, the regulations require that a formal inspection into the issue be carried out.

You must also ensure that anyone you employ to operate machinery is suitably trained and competent to do so. This includes knowing:

- How the equipment should be used.
- What to do if a problem arises and where the possible risks are
- How to operate the equipment properly, efficiently and safely.
- You must also ensure that the operator has read the manual before using the machine and that the manual is made available to the operator of the machine at all times

Under no circumstances should you allow someone who is unauthorised, unqualified or untrained; or children to operate your equipment.

***When operating machinery, you should:***

- Carry out a daily check to ensure that the equipment is safe and functioning correctly.
- Ensure that passengers are only carried in properly constructed seats. You should not carry children under the age of 13 in an agricultural vehicle.
- Maintain full control of the vehicle at all times.
- Ensure that your vision is not obstructed.
- Not drive backwards unless manoeuvring.
- Drive with due care and consideration for all road users. Be aware that your slow-moving vehicles can cause queues of traffic to build up behind you, often leading to frustration which may lead to drivers taking risks. In order to minimize this, you should pull over, **where safe and appropriate** to do so and allow quicker vehicles to pass.
- If you can avoid it, do not travel in convoys. These make it difficult for other drivers to pass. Leave a reasonable distance between each vehicle.
- Not drive on the hard shoulder unless directed to do so. If there is a queue behind you, pull over and allow them to pass **if it safe and appropriate**.
- Be able to operate the brakes from the driving position.
- Turn the engine off and remove the ignition key when the vehicle is parked.
- Park the vehicle in such a way that does not pose a danger or obstruction to other road users.
- Park during the hours of darkness or poor visibility with the near side wheel close to the edge of the road, pointing towards oncoming traffic and the required lights illuminated.
- Ensure that the engine is stopped, the ignition key removed, the PTO is switched off and the parking brake is applied before beginning any adjustments.
- When coming onto or off the road, you need to give sufficient warning that may arise for other road users.
- In particular, take all reasonable precaution to prevent accidents occurring when manoeuvring in or out of concealed road entrances.

- Endeavour not to allow mud or other materials to become deposited on the road as a result of your activity. If your activities do lead to mud or other materials being on the road, you must make sure that you clean this up as soon as possible as it can be a hazard for other road users. If you are undertaking an activity which will lead to prolonged and unavoidable mud on the road, you should take reasonable steps to minimise the amount and lessen the hazard it causes. If you intentionally or recklessly allow mud to become a hazard, you could leave yourself liable to prosecution.
- If you are carrying a load in a trailer, you need to make sure that it is secure and does not pose a risk to other road users.

*\*Under absolutely no circumstances should you operate machinery while under the influence of **alcohol** or **drugs**. This includes **prescription drugs which you may be taking**. Check the label of your medication if you are unsure. If in doubt contact your doctor or pharmacist\**

*\*There are some medical conditions which may mean you should stop driving for a while. Consult your doctor at this point if you, or someone close to you, has or may have, a condition which could have an impact on your /their ability to operate machinery safely and appropriately or contact the DVLA on 0300 790 6806\**

*\*Under absolutely no circumstances should you use a hand held communication device i.e. a mobile phone whilst operating machinery. This has been shown to be just as detrimental to concentration as the effects of alcohol or drugs\**

### ***Cutting hedges and verges***

You are NOT allowed to cut hedges between 1<sup>st</sup> March and 31<sup>st</sup> August, and only then if the hedge could create a risk to road users by impairing visibility on the road or at junctions, crossroads, sight- lines , road signs or if it is obstructing members of the public. You should only trim the side of the hedge facing the road.

This particular activity will require you to be moving at slow speeds on the road for prolonged periods of time. As with other activities, road safety is paramount. To that end you must:

- Not use a tractor which is wider than 2.55m
- Use a vehicle which is conspicuously coloured and which has: at least one beacon and an arrow sign informing other road users which side they should pass on.
- Display a “Road Works” sign no more than half a mile from where you are cutting. If your work is not visible due to hills or bends in the roads or if the road is narrow, you should use a “single file traffic” sign.
- When you are not actually engaged in the activity of cutting, all blades must be effectively guarded to avoid any danger to other road users
- Clean up any trimmings from footpaths or roads as these can puncture tyres and cause injury to livestock.
- Do your best to ensure that anyone who comes upon you will understand what is taking place and how they should be acting.

*\*Additional measures may be necessary if you are going to work on a high speed dual carriage way. Make contact with your local DAERA office for details\**



## Rebated Fuel

Rebated fuel (red diesel) is permitted for vehicles which are:

- Unlicensed (with a SORN declaration) which are not used on public roads.
- Designed and constructed primarily for off-road use and are used on public roads solely for agricultural, horticultural or forestry purposes. This includes agricultural vehicles.

Agricultural contactors are subject to the same rules as farmers on the use of rebated fuel. As long as the activity they are involved in is agricultural they will be permitted to use red diesel on the road.

A vehicle using rebated fuel should only be driven between different areas of land occupied by the same person.

Limited use vehicles (not **Special Concessionary Vehicles**) should not travel distances further than 1.5km between these pieces of land - using rebated fuel.

HMRC officers are permitted to test any vehicle and the fuel in it. They are also permitted to follow you off- road and examine your vehicle there. However, they are not permitted to enter a private dwelling - house.

## Licencing

*\*MAM (Maximum Authorised Mass) is the weight of a vehicle or trailer including the maximum load that can be carried safely when it's being used on a road. \**

### B Licence (Full Driver's Licence)

- Can be obtained at age 17.
- Also contains provisional FKP categories
- You can drive: motor vehicles with a MAM not exceeding 3500kg and designed and constructed for the carriage of no more than eight passengers in addition to the driver with a trailer up to 750kg; and motor vehicles with a MAM not exceeding 3500kg and designed and constructed for the carriage of no more than eight passengers in addition to the driver with a trailer over 750kg where the combination weight is not exceeding 3500kg and the MAM of the trailer does not exceed the unladen mass of the towing vehicle.
- With the FKP entitlement, you will be allowed to drive tractors.

### B+E

- Can be obtained once you have your category B licence
- Same as above, but you will now be able to tow trailers where the combination weight is greater than 3500kg. Your vehicle is not allowed to be heavier than 3500kg.

### C1

- Can be obtained from age 18. You may need to pass the Certificate of Professional Competence (CPC) theory and practical tests.
- You can drive medium sized vehicles between 3500kg and 7500kg either with or without a trailer weighing no more than 750kg.

### C1+ E

- You will be able to drive C1 vehicles towing a trailer with a MAM of more than 750kgs, up to a combination of no more than 12000kgs. The trailer MAM may not exceed the unladen weight of the tractor vehicle. You may also need to pass CPC theory and practical tests
- You must be at least 18

## **C (HGV Licence)**

- Can be obtained at age 18 after you gain your B License and have passed your Driver's CPC qualifications or are learning to drive for this category otherwise the minimum age is 21.
- You will be able to drive large vehicles which are heavier than 3500kg with a trailer up to 750kg.

## **C+E**

- As with C, but with trailers over 750kg

## **Driving below the age of 17**

From the age of 13, you are allowed to drive a tractor on the farm – but not on the road. However you must first obtain a certificate of competence in tractor driving before you can drive offroad, during an agricultural operation. It should also be noted that restrictions apply regarding tractor size, PTO and loader usage prior to turning 16 years old.

By law, children between 13 and 15 years old wishing to drive a tractor for agricultural purposes on private land in Northern Ireland must successfully complete a LANTRA Awards certified course. This is enforced by The Agriculture (Safety of Children and Young Persons) Regulation (Northern Ireland) 2006 and Approved Code of Practice (ACoP), both of which address risks to young people from agricultural activities. Tractors must be fitted with an enclosed, approved safety cab. The training provided allows them to drive tractors only, not other agricultural vehicles.

For more details, contact LANTRA for the best advice on where you can access the training course in your area. See contact details at the back of this booklet.

At age 16 you may obtain provisional category F. This allows you to drive agricultural tractors up to 2.45 metres wide, including towing a trailer up to 2.45 metres wide. You are not allowed to drive in 30mph zones. Before passing a category F test, you may only drive an agricultural tractor while engaged in the course of agricultural operations or while driving to or from a driving test."

## **CPC Licence**

Following changes in legislation, you will require a Certificate of Professional Competence in driving if you want to drive a vehicle which weighs over 3500kg on the public road (requiring a C1 or a C license) for commercial activities.

There are exemptions for those operating these vehicles as part of their job, provided that driving is not a main part of that job.

For example, driving a vehicle heavier than 3500kg to transport fence posts in order to make repairs will not require a CPC.

Driving a vehicle heavier than 3500kg in order to take livestock to market *will* require a CPC as the purpose of this activity is to sell the animals. This does not apply to *combinations* which have a combined weight exceeding 3500kg.

You will not need a CPC to take your livestock to market in a trailer towed by a tractor or jeep as the vehicle is driven on a B or F license and does not weigh over 3500kg; however, if you wish to take them in a livestock lorry, you will need a CPC.

## **Transporting Waste**

Waste from any premises used for agricultural purposes is covered by regulations and must be collected, stored and transported properly. If you chose to transport **your own waste, you must:**

- Ensure that the vehicle used for transport is secure and fit for purpose.
- Complete and sign transfer notes for the transportation of waste.
- You should also check that the premises to which you transfer the waste is registered for waste management.
- If you are in doubt you should contact NIEA.

If you are going to be transporting waste regularly, as most farmers will, you will need to register as a lower- tier waste carrier. You can do this on your Single Application Form (previously IACS).

If you are hiring someone else to carry your waste, you must make sure that this person is a registered waste carrier. A carrier will be asked to produce proof of their registration to you, if this is not forthcoming, do not allow them to carry your waste.

## Frequently Asked Questions

### **Safety**

#### ***When I buy a piece of machinery, what are the suppliers responsibilities?***

Manufacturers must make sure that the machines they make are safe. They do this by: finding out about health and safety hazards (trapping, crushing, electrical shock, dust, noise, vibrations etc.) likely to be present when the machine is used, assessing the likely risks as a result of the hazards, designing out those hazards that result in risk or if that is not possible, providing safeguards (guarding dangerous parts of the machine, providing noise enclosure for noisy parts) or, if that is not possible; using warning signs in the machine to warn of hazards that cannot be designed out or safeguarded (e.g. “noisy machine” signs). Suppliers are also responsible for providing operating instructions with the machinery and giving information on any risks that cannot be fully controlled by the design and safeguards provided.

#### ***What about buying second hand machinery?***

It has to be safe for use. In some cases, it will not have a CE marking but the supplier still has to make sure it is safe and accompanied by instructions for safe use.

As a user, you have a duty to make sure that second- hand machinery is safe when put into use, suitable for the selected work and maintained in a safe condition.

#### ***Can I carry passengers or pets in my vehicle?***

When there is more than one seat fitted by the manufacturer then the vehicle can carry the number of persons each seated. It is important to remember it is illegal to have a person in an Agricultural vehicle in use under 13 years old, even on private land **while carrying out an agricultural operation**. Where there is only a single seat then any extra passengers may be subject to report under either, Article 115 Construction and Use Regulation, or Article 54 Road Traffic Order 1995 where danger is caused by the method in which the passenger is being carried. You must ensure that carrying a passenger will not obstruct you in any way as you are operating the machine. If your vehicle is designed to carry only one person you must NOT carry a passenger.

If you wish to carry an animal in the vehicle, you must make sure that it does not obstruct you in any way and if necessary, restrain it so that it cannot interfere with you operating the machine safely. You must NOT leave an animal in a vehicle without adequate ventilation.

***When should I pull over to allow a queue of vehicles to pass?***

**You should not allow a queue of eight vehicles or up to three miles of traffic to build up behind you.** This can cause undue frustration to drivers and may lead to them taking risks. In addition, allowing a queue of this length to build up unnecessarily, may lead to a charge of careless driving.

It is good practice, as well as good manners, to pull over where it is safe and appropriate to do so to allow faster vehicles to pass. However, you should not pull over into any junction or any lane where there may be more oncoming traffic.

If you are on a busy road, and there is a danger that once pulled over you may not be able to safely merge back onto the road, you should not pull over. Wait until it is safe and appropriate for you to do so.

If you find yourself stuck behind a slow- moving agricultural vehicle, remember that they are entitled to use the road as well as you. Do not tail gate, distract or exert undue pressure on the driver of the vehicle. Wait until the driver has pulled into a safe place to pass on the outside lane when it is safe to do so. Bear in mind that it is better to be a little late than to take unnecessary risks on the road.

***What measures can I take to prevent theft or criminal damage to my vehicle?***

It is good practice to ensure that your vehicles are stored in a safe place when you are not using them. You should always ensure that all doors and windows, including the sun roof, are closed and locked and the ignition key removed.

You should also make a unique distinguishing mark on your vehicle which will allow you to easily identify your vehicle, if it is stolen. Make a note of the chassis number of your vehicles as well. If you wish, you can equip your machine with a tracker. Speak to your local crime prevention officer for advice.

## Moving Animals

### *What do I need to do in order to move animals on the road?*

If you wish to transport your animals along the road in a vehicle for economic purposes, you need to make sure that:

- The journey is properly planned, time is kept to a minimum and the animals are checked and their needs met during the journey.
- The animals are fit to travel.
- The vehicle, loading and unloading facilities are designed, constructed and maintained to avoid injury and suffering.
- Those handling animals are trained and competent in the task and do not use violence or any methods likely to cause unnecessary fear, injury or suffering.
- Water, feed and rest are given to the animals as needed and sufficient floor space and height is allowed.

You will also need to obtain a certificate of competence to be permitted to transport animals in this way.

If your journey is over 65km, you will need to obtain a transport authorisation: if the journey will take eight hours or less, a short journey authorisation will be sufficient. If the journey is longer than eight hours or involving sea transport a long journey authorisation will be necessary.

If you want to walk your animals along a public road, you must observe safeguards. There should be at least one person in front and one person behind the animals at all time. These attendants should be visible to other road users. **If necessary and if you have enough personnel, post other attendants to points in the road, such as bends of hills so that vehicles can see them from a reasonable distance. If you see an oncoming vehicle flag it down.**

LANTRA offer the required qualification for transporting animals and can also advise you on training providers in your area that deliver the same qualification. See contact details at the back of this booklet.



You should also ensure that the distance to be travelled on the road is as short as possible. It is also important to make sure that whoever is working with the animals is competent to do so.

You will also need to make sure that where you are moving your animals to is suitable for them. It will need to be adequately fenced and gated so as to prevent unattended animals getting onto the road. You should also check on them regularly to ensure that they have not broken out. If they do manage to break out, you must get them under control as quickly and safely as possible. Bear in mind that when an animal is excited or feels threatened they can become very dangerous.

If you come upon animals being moved along a road, do NOT try to drive through them. Such foolish action will only cause the animals to panic and stampede, causing injury to those handling them. Instead stop a good distance back from where the attendant is posed and switch off your engine.

When the operation is complete you must make sure that the road is returned to in a safe condition. This will require you to clean up any dirt on the road left by animals.

### **Moving Waste**

#### **What counts as waste and how do I take care of it?**

The definition of waste from the 2008 Waste Framework Directives (Directive 2008/98/EC) is “any substance or object which the holder discards, intends to, or is required to discard.” This definition is very broad and thus encapsulates anything which you tend to discard. Discard has a special meaning which is not necessarily the same as the dictionary meaning. It includes not only the disposal of a substance or object but also its recovery or recycling.

There is however a difference between “waste” and “by-products.” If the answer to the following four question is “yes” then it will be a by-product and thus not waste.

- Is further use of the substance or objects not just a possibility but a certainty?
- Can it be used directly, without any further processing prior to its use?
- Has it been produced as an integral part of a production process?

- Is it further use lawful in the sense that: it fulfils all relevant product, environment and health requirements for the specific use to be made of it; and it will not have an adverse impact on the environment or human health?

Agricultural waste is waste produced at agricultural premises as a result of an agricultural activity. This definition does not include waste produced at sites such as riding stables, farm shops, kennels and animal parks.

A “waste carrier” is someone who is normally or regularly transport waste. As such, it is likely that most farmers will fall under this category.

Where cattle slurry is on roads, failure to clean the road could lead to a water pollution incident and enforcement action could be taken by NIEA.

The Nitrates Action Programme Regulations (Northern Ireland) 2014 - Regulation 4 imposes an obligation on the controller of a holding to prevent water pollution. The potential offence under the Water Order (Northern Ireland) Order 1999:

Regulation 7.—(1) , a person commits an offence if, whether knowingly or otherwise if:

- He/she discharges or deposits any poisonous, noxious or polluting matter so that it enters a waterway or water contained in any underground strata; or
- He/she discharges or deposits any matter so that it enters a waterway or water contained in any underground strata and tends either directly or in combination with similar acts to impede the proper flow of the water of the waterway or strata in a manner leading to or likely to lead to pollution or a substantial aggravation of pollution due to other causes or of its consequences.

Where a spillage (including slurry/ pesticides) has occurred and may put a watercourse at risk, it is important to ring the NIEA pollution hotline 0800 80 70 60 as soon as you are aware of it.

The **Hazardous Waste Regulations (Northern Ireland) 2005** applies to agriculture as they do to other business sectors. Typical examples of hazardous waste produced on farms include asbestos (all types), oils, lead acid batteries, antifreeze, fluorescent light tubes and agrochemical concentrates. Hazardous wastes are those which are dangerous and difficult to handle. If your business produces hazardous waste, you have a duty of care to make sure it is disposed of properly. You must take all measures applicable in your capacity to:

- Prevent the deposits of controlled waste on land except under the terms of waste management authorisation.
- Prevent the escape of waste from his/her control, or that of any other person.
- Ensure that any transfer of waste is only to an authorised person.
- Be accompanied by a description adequate enough to help any subsequent holder avoid breach of duty.

If you are in doubt contact NIEA.

If you are going to be transporting hazardous waste, you will need to register as an upper-tier waste carrier on your Single Application Form.

## Rebated fuel

***Is there a limitation on the distance a special concessionary vehicle can travel on the road whilst using red diesel?***

No, provided the work being undertaken is solely related to agriculture, horticulture or forestry there is no distance limit.

***What government agencies have the authority to dip for red diesel?***

Any government agency or public sector authority authorised by HMRC.

***What is the situation for a farmer assisting his neighbour at harvest, slurry time etc.?***

The test is based on the nature of the activity. If the work being done is agricultural in nature, then the use of red diesel is permitted.

***Can agricultural contractors who specialise in farm contracting legally use red diesel?***

Again, the test is based on the nature of the work being undertaken, if the job which the contractor is undertaking is agricultural in its nature then red diesel is permitted. Harvesting, ploughing, spreading slurry etc. are all intrinsic to agriculture and can be done using red diesel. Other activities like drainage, making cow lanes, filling in hollows in fields, removing soil and rubble etc. are more complex as they need to be incidental to an agricultural purpose. For example, if you move soil from a site to fill in hollows in a field this is agricultural activity; simply moving the soil from one site to another is not.

***Can farmers who are constructing or building farm buildings bring in blocks and building equipment by use of a tractor and red diesel?***

Using a tractor to transport building materials is not agricultural work. However, a concession would be made if a farmer was using their own tractor to bring materials to their site for the repair of their own agricultural building.

***I am a contractor employed by a farmer to transport and spread waste on his or her fields as an agricultural input. Can I use a tractor licensed as an agricultural machine and running on red diesel on a public road?***

If a substance is being used for some purpose such as oil enrichment, rather than simply being discarded then it is not waste but an agricultural waste by-product. As such this would count as agricultural activity rather than haulage.

***Please provide an example of a limited use vehicle. What distance can these machines travel on public roads?***

A limited use vehicle can be any type of vehicle as long as it abides by the limitations of that class.

The accepted vehicle category for this type of vehicle is vehicles used between different parts of the land. The limitation on use of these vehicles are:

- It is used only for the purposes relating to agriculture, horticulture or forestry.
- It is used on public roads only in passing in between different areas of land occupied by the same person.
- The distance it travels on public roads between such areas does not exceed 1.5km.
- The vehicle has an excise licence as a limited use vehicle.
- If any of the above conditions are broken, then the vehicle loses its exempted status and must be fuelled with fully duty paid fuel.

***What is the situation regarding a farmer transporting his or her produce to point of sale, whilst using red diesel?***

Own produce/ livestock being moved using own equipment is acceptable. Employing a contractor purely to move produce/ livestock to point of sale would be considered as haulage and not an agricultural activity.

***I am a farmer, can I use a tractor licensed as an agriculture machine and running on red diesel to move grain by public road from the field to my store?***

Yes, as this road use is accepted as being incidental to the agricultural operation of harvesting the crop.

***I am a contractor, employed by a farmer to assist with the harvest. Can I use a tractor licensed as an agricultural machine and running on red diesel to move grain by public road from the field to the farmers store?***

Yes, providing the tractor is being used as an integral part of the harvesting team e.g. it is being used in the field as well as the road, the same rules apply to the farmer.

***Can I use an agricultural machine running on red diesel to collect agricultural inputs (feeds, fertilizers, fence post etc.) from the retailer?***

Yes, if you are the farmer and are going to use these products on your own farm. Contractors can only use red diesel when employed by the farmer to perform an operation involving the use of these products.

***I am a farmer; can I use a tractor licensed as an agricultural machine running on red diesel to move my agricultural plastic waste from my yard to a collection site or waste tip?***

Yes.

***I want to use my tractor for ditch clearing for land drainage. Can I use a tractor licensed as an agricultural machine running on red diesel on the public road?***

Yes, provided that you only carry out drainage work for agricultural benefit on agricultural land – not for flood prevention etc.

***I want to haul an excavator on a low loader pulled by a tractor to clean ditches on my own land, or land that I farm. Can I use a tractor licensed as an agricultural machine and running on red diesel on the public road?***

Yes, provided you only carry out drainage work for agricultural benefit on agricultural land and you do other agricultural work on the land with the tractor, not just ditch clearing.

***I want to use my agricultural machine as a gritter. Can I use red diesel?***

Yes.

## Contact Details

### **Ulster Farmers' Union**

Telephone: 028 9037 0222

Email: [info@ufuhq.com](mailto:info@ufuhq.com)

### **PSNI**

Telephone: 101 (ask for the relevant department)

Email: [abloads@psni.pnn.police.uk](mailto:abloads@psni.pnn.police.uk) – queries relating to abnormal loads and specialist advice relating to security of farm equipment and machinery.

[RPDB@psni.pnn.police.uk](mailto:RPDB@psni.pnn.police.uk) – general enquires

### **NIEA**

Telephone: 0300 200 7856

Email: [nieainfo@daera-ni.gov.uk](mailto:nieainfo@daera-ni.gov.uk)

### **HSENI**

Telephone: 0800 0320 121

Email : [mail@hse-ni.gov.uk](mailto:mail@hse-ni.gov.uk)

### **HMRC**

Telephone: 0300 200 3300

### **CAFRE**

Telephone: 028 9442 6880

Email: [industry.trainingadmin@daera-ni.gov.uk](mailto:industry.trainingadmin@daera-ni.gov.uk)

### **LANTRA**

Telephone: 07867 908171.

Email: [ni@lantra.co.uk](mailto:ni@lantra.co.uk)

### **DVLA**

General Enquires: 0300 7906801

Registration and Tax: 0300 790 6802

Medical Queries: 0300 790 6806