STATUTORY INSTRUMENTS

1990 No. 1096

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND

The Oil Fuel (Sulphur Content of Gas Oil) Regulations 1990

Made - - - -	*16th May 1990*
Laid before Parliament	*24th May 1990*
Coming into force -	*14th June 1990*

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred upon them by sections 76, 77(1) and 104(1) of the Control of Pollution Act 1974(a) and of all other powers enabling them in that behalf, having consulted, in accordance with the provisions of section 76(2) of that Act, such persons appearing to them to represent producers and users of oil fuel, such persons appearing to them to represent manufacturers and users of plant and equipment for which oil fuel is used, and such persons appearing to them to be conversant with problems of air pollution as they consider appropriate, hereby make the following Regulations:–

Commencement and citation

1. These Regulations may be cited as the Oil Fuel (Sulphur Content of Gas Oil) Regulations 1990 and shall come into force on 14th June 1990.

Interpretation

2. In these Regulations–

"gas oil" means any oil fuel of which at least 85 per cent by volume, including distillation losses, is distilled at a temperature of 350°C, when tested by the method described in the first revision (February 1985) of British Standard BS 2000: Part 123: 1985, entitled "British Standard Methods of test for Petroleum and its products. Part 123. Distillation of Petroleum Products" which came into effect on 28th February 1985;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"road" in England and Wales has the meaning given by section 192(1) of the Road Traffic Act 1988(b) and in Scotland has the meaning given by section 192(2) of that Act;

"ship" includes every description of vessel used in navigation.

(a) 1974 c.40; section 77 was amended by the Magistrates' Courts Act 1980 (c.43), section 32(2), and section 104(1) was amended by the Water Act 1989 (c.15), Schedule 23, paragraph 7.
(b) 1988 c.52.

Prohibition of use of gas oil having excess sulphur content

3. Subject to regulations 6 and 7, no person shall use, or cause or permit to be used, in any furnace or engine to which these Regulations apply, any gas oil having a sulphur content that exceeds 0.3 per cent by weight when tested by the appropriate method.

Appropriate method of testing

4. For the purposes of regulations 3 and 6(a)(i), gas oil is tested by the appropriate method when–

(a) it is tested by the method described in the Institute of Petroleum document entitled "Sulphur in Petroleum Products by Energy-Dispersive X-ray Fluorescence (Non-Dispersive X-Ray Fluorescence)" published by the Institute of Petroleum as designation IP 336/81 (Reapproved 1986), and

(b) the results of any such test are interpreted in accordance with the rules given in the first revision (February 1981) of the British Standard entitled "Method for Determination and application of precision data in relation to methods of test for petroleum products" published under the numbers BS 4306: 1981 and ISO 4259–1979 which came into effect on 27th February 1981.

Scope

5. These Regulations apply to any furnace or engine in Great Britain except–

(a) a furnace or engine used in a ship; or

(b) a diesel engine used to propel a motor vehicle.

Exemptions

6. Nothing in regulation 3 shall apply–

(a) to the use of gas oil–

(i) having a sulphur content not exceeding 0.5 per cent when tested by the appropriate method; and

(ii) already in the user's possession on 31st December 1988;

(b) to the production, treatment or use of gas oil which is in the course of being manufactured, processed or blended in the refining industry;

(c) to the use of gas oil contained in the tank of a motor vehicle entering Great Britain in a case where the gas oil in the tank is to be used for the propulsion of the vehicle, or for the driving of any ancillary engine or equipment forming part of the vehicle, and the gas oil is present in the tank when the vehicle enters Great Britain from a State which is not a Member State of the European Community; or

(d) to the use of gas oil for the purpose of tests or experiments in connection with–

(i) the composition of oil fuel, or of any other fuel used, or for use, in any furnace or engine to which these Regulations apply; or

(ii) the design or performance of any article which uses, or is intended to use, oil fuel or any other fuel used, or for use, in any furnace or engine to which these Regulations apply, or any component or lubricant of such an article, in a case where the composition or content of the fuel is relevant to that design or performance.

Power for the Secretary of State to grant exemptions

7. The Secretary of State may by instrument in writing confer exemption from regulation 3 upon such persons or classes of person, for such period and in such circumstances as may be specified in the instrument conferring the exemption.

Offences and penalties

8. No person shall be liable to conviction on indictment, or on summary conviction to a fine exceeding level 2 on the standard scale, for any contravention of, or failure to comply with, regulation 3.

Revocation

9. The Oil Fuel (Sulphur Content of Gas Oil) Regulations 1976**(a)** are hereby revoked.

Chris Patten
16th May 1990 — Secretary of State for the Environment

David Hunt
16th May 1990 — Secretary of State for Wales

Signed by authority of
the Secretary of State for Scotland
16th May 1990

James Douglas-Hamilton
Parliamentary Under Secretary of
State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England, Wales and Scotland, provide that, subject to certain specified exemptions and to such exemptions as the Secretary of State may confer in particular cases, no person shall use, or cause or permit to be used, in any furnace or engine (other than one in a ship or diesel engined motor vehicle) gas oil with a sulphur content greater than 0.3 per cent by weight. They revoke the Oil Fuel (Sulphur Content of Gas Oil) Regulations 1976.

The Institute of Petroleum's publications on Standard Methods for Analysis and Testing of Petroleum and Related Products can be obtained from the Institute of Petroleum at 61 New Cavendish Street, London W1M 8AR (telephone London (071) 636 1004).

British Standards publications can be obtained by calling personally at the British Standards Institute (BSI), 61 Green Street, London W1, or by post from BSI Sales, Linford Wood, Milton Keynes, MK14 6LE (telephone Milton Keynes (0908) 221166).

(a) S.I. 1976/1988.