
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations extend to Scotland only. They implement in relation to Scotland those matters concerning heavy fuel oil and gas oil (except marine fuels) contained in Council [Directive 1999/32/EC](#) relating to a reduction in the sulphur content of certain liquid fuels and amending [Directive 93/12/EEC](#) (OJ L 121, 11.5.1999, p.13) “[Directive 1999/32/EC](#)”.

[Directive 1999/32/EC](#) was originally transposed in relation to Scotland by the Sulphur Content of Liquid Fuels (Scotland) Regulations 2000 ([S.S.I. 2000/16](#)).

Those Regulations were revoked by the Sulphur Content of Liquid Fuels (Scotland) Regulations 2007 “the 2007 Regulations” ([S.S.I. 2007/27](#)).

Directive 2012/33/EU as regards the sulphur content of marine fuels (OJ L 327, 27.11.2012, p.1-13) amended [Directive 1999/32/EC](#). These Regulations transpose, as regards land based liquid fuels, the requirements of that Directive. They revoke the 2007 Regulations, save for some transitional provision (regulation 8).

Regulation 2 (1) contains new definitions of “gas oil” and “heavy fuel oil”.

Regulation 3 stipulates that these Regulations do not apply to heavy fuel oil or gas oil intended for—

- (a) the purposes of research and testing;
- (b) processing prior to final combustion; or
- (c) processing in the refining industry.

Regulation 4 prohibits the use of any heavy fuel oil with a sulphur content exceeding 1 per cent by mass, subject to some exceptions.

Regulation 5 prohibits the use of gas oil with a sulphur content exceeding 0.1 per cent by mass.

Regulation 6 requires the Scottish Ministers to take all necessary measures to ensure that the periodic sampling of heavy fuel oil and gas oil is carried out to check that the use of those fuels complies with, respectively regulations 4(1) and 5. That sampling is to be carried out with sufficient frequency and quantity and must be analysed without undue delay.

Regulation 7 deals with offences and penalties where these Regulations are contravened.

Regulation 8 revokes the 2007 Regulations and makes some transitional provisions in relation to an operator of a combustion plant who been granted a permit under the Sulphur Content of Liquid Fuels (Scotland) Regulations 2000, has submitted an application for a permit under the 2007 Regulations or has been granted a permit under the 2007 Regulations.

The Schedule deals with applications by an operator of a combustion plant who wishes to operate that plant under an exception provided for in regulation 4(2) or (3) and that plant meets certain requirements.

Changes to legislation:

There are currently no known outstanding effects for the The Sulphur Content of Liquid Fuels (Scotland) Regulations 2014.