

1990 No. 1097

**PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
PUBLIC HEALTH, NORTHERN IRELAND**

**The Motor Fuel (Sulphur Content of Gas Oil)
(Amendment) Regulations 1990**

<i>Made - - - -</i>	<i>17th May 1990</i>
<i>Laid before Parliament</i>	<i>24th May 1990</i>
<i>Coming into force</i>	<i>14th June 1990</i>

The Secretary of State for Transport, in exercise of the powers conferred on him by sections 75(1) and (3), 77(1) and 104(1) of the Control of Pollution Act 1974(a), and of all other enabling powers, and after consultation with such persons appearing to him to represent manufacturers and users of motor vehicles, such persons appearing to him to represent the producers and users of fuel for motor vehicles and such persons appearing to him to be conversant with problems of air pollution as he considers appropriate, in accordance with section 75(2) of that Act, hereby makes the following Regulations:—

Citation, commencement and introduction

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

2. The Motor Fuel (Sulphur Content of Gas Oil) Regulations 1976(b) (“the 1976 Regulations”) shall be amended in accordance with the following provisions of these Regulations.

Interpretation

3. In regulation 2—

(a) in paragraph (1)—

(i) for the definition of “gas oil” there shall be substituted—

““gas oil” means any liquid petroleum product produced in a refinery of a kind used as fuel in motor vehicles propelled by diesel engines of which at least 85 per cent by volume, including distillation losses, is distilled at a temperature of 350°C, when it is tested by the method described in British Standard BS 2000: Part 123: 1985 (February 1985 revision), 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; and

(ii) the word “and” immediately following the definition of “gas oil” shall be omitted and after the definition of “motor fuel” there shall be added the following words—

““motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads; and

“road”—

(i) in England and Wales has the meaning given by s.192(1) of the Road Traffic Act 1988(c) (“the 1988 Act”);

(a) 1974 c.40. Section 104(1) was amended by the Water Act 1989 (c.15), Schedule 23, paragraph 7.

(b) S.I. 1976/1989.

(c) 1988 c.52.

- (ii) in Scotland has the meaning given by s.192(2) of the 1988 Act; and
- (iii) in Northern Ireland has the meaning given by Article 2(1) of the Road Traffic (Northern Ireland) Order 1981(a)."; and

(b) paragraph (3) shall be omitted.

Sulphur content of gas oil

4. For regulation 4 there shall be substituted—

"4.—(1) The maximum permitted amount of sulphur per one hundred grammes of gas oil, when tested by the appropriate method, shall be 0.3 grammes.

(2) For the purpose of this regulation and regulation 6(5) 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 under designation IP 336/81 (Reapproved 1986), and
- (b) the results of any such test are interpreted in accordance with the rules given in the February 1981 revision of the British Standard which is 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."

Prohibition with respect to gas oil having excess sulphur content

5. In regulation 5—

- (a) the words "during a period specified in column (1) of the Schedule to these Regulations" shall be omitted; and
- (b) in paragraphs (a) and (b) the words "for that period" shall be omitted.

Exemptions in certain cases

6. In regulation 6—

(a) in paragraph (3)—

- (i) before the word "vehicle" where it first occurs there shall be inserted "motor"; and
- (ii) after the words "United Kingdom" where they first occur there shall be inserted "from a State which is not a Member State of the European Community"; and

(b) for paragraph (5) there shall be substituted—

"(5) Nothing in regulation 5 shall apply to the use of gas oil with a sulphur content not exceeding 0.5% when tested by the appropriate method which was

- (a) already in the user's possession on 31st December 1988; and
- (b) authorised for use under these Regulations at that date or the Oil Fuel (Sulphur Content of Gas Oil) Regulations 1976(b)."

Offences and Penalties

7. In regulation 8 for the words "a fine not exceeding £50" there shall be substituted "a fine not exceeding level 2 on the standard scale".

Special provision for Orkney and Shetland

8. Regulation 9 shall be omitted.

9. The Schedule shall be omitted.

Signed by authority of the
Secretary of State for Transport

Robert Atkins
Parliamentary Under Secretary of State,
Department of Transport

17th May 1990

(a) S.I. 1981/154 (N.I. 1).

(b) S.I. 1976/1988, which was revoked by S.I. 1990/1096.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in England, Wales, Scotland and Northern Ireland.

They amend the Motor Fuel (Sulphur Content of Gas Oil) Regulations 1976 in the following respects.

- (1) The prescribed maximum amount of 0.3 grammes of sulphur in 100 grammes of "gas oil" now applies to fuel for all diesel engines used to propel any mechanically propelled vehicle intended or adapted for use on roads. Accordingly it applies to fuel for diesel engines used to propel "agricultural vehicles", "engineering plant" and "works vehicles", which were previously subject to the Oil Fuel (Sulphur Content of Gas Oil) Regulations 1976 (S.I. 1976/1988) (which prescribed a maximum amount of 0.5 grammes).
- (2) The prescribed maximum amount of 0.3 grammes now applies to the production etc or use of gas oil for or in diesel engines which propel motor vehicles in the island areas of Orkney and Shetland. The previous maximum amount in those areas was 0.5 grammes.
- (3) The exemption for the importation and use of gas oil in the tank of a motor vehicle entering the United Kingdom is restricted to vehicles entering from States which are not Member States of the European Community.
- (4) The use of gas oil with a sulphur content not exceeding 0.5% in the user's possession on 31st December 1988 is exempted from the Regulations in specified cases.
- (5) The definitions of "gas oil" and the "appropriate method" for testing "gas oil" are brought up to date.
- (6) The penalty for a contravention of regulation 5(b) (use etc of any gas oil the sulphur content of which exceeds the maximum permitted amount) is increased from a maximum fine of £50 to a fine not exceeding level 2 on the standard scale (which is currently £100).
- (7) Other minor amendments are made.

The first two amendments mentioned above are made in consequence of Council Directive 87/219/EEC of 30th March 1987 (O.J. No. L91, 3.4.1987, p. 19) which amended Council Directive 75/716/EEC of 24th November 1975 (O.J. No. L307, 27.11.1975, p. 22) on the approximation of the laws of Member States relating to the sulphur content of certain liquid fuels. Copies of these Directives can be obtained from Her Majesty's Stationery Office.

British Standards publications can be obtained by calling personally at the British Standards Institution (BSI), 61 Green Street, London W1Y 3RH (Tel. 071-629 9000) or by post from BSI Sales, Linford Wood, Milton Keynes, MK14 6LE (Tel. 0908-221166).

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