
STATUTORY INSTRUMENTS

1999 No. 3107

The Motor Fuel (Composition and Content) Regulations 1999

PART III

REGULATIONS RELATING TO LEADED PETROL PERMITS

Interpretation of Part III

8. In this Part of these Regulations—

“distribution statement” means a statement provided in accordance with paragraph 8 of Schedule 1 to these Regulations;

“calendar year” means—

- (a) 1st January to 31st December in any year, or
- (b) where 1st January has passed in any particular year, from the date of the day in question to 31st December in that year;

“FBHVC” means the Federation of British Historic Vehicle Clubs;

“leaded petrol permit” has the meaning given in regulation 9(2);

“new applicant” means any applicant for a leaded petrol permit who has not previously been a permit holder and “new application” shall be construed accordingly;

“nominated filling station” means a filling station specified in a leaded petrol permit;

“permit holder” means a person who holds at least one leaded petrol permit which is in force;

“total leaded petrol allocation” means the total amount of leaded petrol, measured in metric tonnes, that a permit holder can distribute and sell in accordance with the leaded petrol permit or permits held by him;

“unallocated leaded petrol” means the amount of leaded petrol, or any fraction of that amount, which in accordance with regulation 9(2)(b) is specified in a leaded petrol permit in respect of which either—

- (a) a revocation notice has been given by the Secretary of State in accordance with regulation 12(2), or
- (b) a written notice has been given to the Secretary of State in accordance with regulation 13(1)(a).

Leaded petrol permits: general

9.—(1) Subject to the other provisions of this Part of these Regulations, a person may distribute or sell leaded petrol for use within the United Kingdom if authorised to do so by a leaded petrol permit.

(2) A leaded petrol permit is a permit issued by the Secretary of State which—

- (a) authorises the distribution and sale of an amount of leaded petrol during any calendar year,
- (b) specifies that amount of leaded petrol, and

(c) specifies the terms and conditions on which the distribution and sale shall take place.

(3) The Secretary of State shall not issue leaded petrol permits authorising the distribution and sale of more than a total of 100,000 tonnes of leaded petrol during any calendar year.

(4) The amount specified in paragraph (3) is referred to in these Regulations as “the annual leaded petrol allocation”.

(5) A leaded petrol permit may be granted to—

- (a) a producer of petrol which is for use within the United Kingdom,
- (b) an importer of petrol into the United Kingdom, or
- (c) a distributor of leaded petrol within the United Kingdom, and

shall apply to the distribution of leaded petrol to, and the sale of leaded petrol from, nominated filling stations provided such distribution and sale are in accordance with the terms and conditions of the permit.

(6) Leaded petrol permits may be granted—

- (a) to new applicants for a period of one calendar year, and
- (b) in all other circumstances for a period of three calendar years.

(7) A leaded petrol permit may only be varied or surrendered in accordance with the provisions of regulations 11 and 13.

(8) A leaded petrol permit is not transferable by the permit holder but the Secretary of State may transfer it to another person in accordance with the provisions of regulations 14 and 15.

(9) A leaded petrol permit shall continue in force until its date of expiry unless previously surrendered or revoked in accordance with these Regulations.

Grant of a leaded petrol permit

10.—(1) An application for a leaded petrol permit shall be made in writing to the Secretary of State and shall include the information and be accompanied by the evidence specified in Schedule 1.

(2) The Secretary of State shall not be required to determine an application if that information and evidence has not been provided.

(3) On receipt of an application for a leaded petrol permit, and subject to the provisions of paragraphs (4) to (7), the Secretary of State may—

- (a) grant one or more leaded petrol permits to the applicant on the terms and conditions specified in Schedule 2 and on such other terms as appear to the Secretary of State appropriate, or
- (b) reject the application.

(4) The total leaded petrol allocation granted to an applicant shall not exceed the amount stated by the applicant in accordance with paragraph 6(c) of Schedule 1.

(5) In determining an application, the Secretary of State shall take into account the following—

- (a) the amount of leaded petrol which the applicant intends to distribute and sell,
- (b) the geographical area within which the applicant proposes to supply leaded petrol,
- (c) the number and location of the filling stations which the applicant has proposed as nominated filling stations,
- (d) the applicant’s distribution statement,
- (e) the applicant’s ability to discharge the obligations arising from the permit or permits for which he is applying, and

- (f) the desirability of ensuring that as widespread and continuous a supply of the annual leaded petrol allocation is achieved throughout the United Kingdom as is reasonably practicable.
- (6) A leaded petrol permit shall not be issued to an applicant unless the Secretary of State is satisfied that the applicant is—
 - (a) (i) a producer of petrol in the United Kingdom,
 - (ii) an importer of petrol into the United Kingdom, or
 - (iii) a distributor of petrol within the United Kingdom, and
 - (b) in each case, a registered member of the FBHVC.
- (7) The Secretary of State shall not issue leaded petrol permits to less than two applicants in respect of any calendar year, unless—
 - (a) there has been only one application for a leaded petrol permit for that calendar year, or
 - (b) the Secretary of State is of the opinion that there are insufficient suitable applicants for this requirement to be met.

Variation of a leaded petrol permit

11.—(1) While a leaded petrol permit is in force, the permit holder may apply in writing to the Secretary of State to vary—

- (a) the nominated filling stations specified in the permit, or
 - (b) the terms of the mandatory condition specified in accordance with paragraph 1(b) of Schedule 2.
- (2) On receipt of an application under paragraph (1), the Secretary of State may—
- (a) grant the variation on the terms set out in the permit holder’s application,
 - (b) grant the variation on such terms and subject to such conditions as appear to the Secretary of State appropriate, or
 - (c) reject the application.

(3) In determining an application, the Secretary of State shall take into account the desirability of ensuring that as widespread and continuous a supply of the annual leaded petrol allocation is achieved throughout the United Kingdom as is reasonably practicable.

(4) Where the Secretary of State varies a leaded petrol permit in accordance with subparagraph (2)(a) or (b), the Secretary of State shall issue the permit holder with a variation notice specifying—

- (a) the leaded petrol permit to which the notice applies,
- (b) the nominated filling stations as varied by the notice, and
- (c) any terms and conditions which apply to the permit as a result of the variation,

and following its issue a variation notice shall be treated as a term of the leaded petrol permit to which it applies.

Revocation of a leaded petrol permit

12.—(1) Where a leaded petrol permit is in force and where—

- (a) it appears to the Secretary of State that the permit holder is in breach of any of the terms or the conditions of the permit, or
- (b) the permit holder has gone into liquidation,

the Secretary of State may revoke the permit.

(2) Where the Secretary of State exercises his powers under paragraph (1) he shall give the permit holder a revocation notice stating—

- (a) the grounds on which the permit is being revoked, and
- (b) the date when the revocation shall take effect (“the revocation date”).

(3) The revocation date specified in a revocation notice shall not be less than one month from the date when the revocation notice is sent to the permit holder.

(4) A leaded petrol permit revoked in accordance with this regulation shall cease to authorise the permit holder to distribute and sell that amount of leaded petrol which, in accordance with regulation 9(2)(b), is specified in the permit.

Surrender of a leaded petrol permit

13.—(1) Subject to the provisions of paragraph (2), a permit holder may surrender a leaded petrol permit by—

- (a) giving the Secretary of State not less than one month’s notice in writing of his intention to surrender the permit,
- (b) specifying the permit which he wishes to surrender,
- (c) specifying a date on which the surrender will take place (“the surrender date”), and
- (d) delivering the leaded petrol permit to the Secretary of State by the surrender date.

(2) Following receipt of a notice under paragraph (1), the Secretary of State, if he thinks it is appropriate, may serve a notice on the permit holder specifying a later date as the surrender date.

(3) In exercising the power under paragraph (2), the Secretary of State may not specify a date which is more than five months after the date specified in the notice given under paragraph (1).

(4) A leaded petrol permit surrendered in accordance with this regulation shall cease to authorise the permit holder to distribute and sell that amount of leaded petrol which, in accordance with regulation 9(2)(b), is specified in the permit.

Duties of the Secretary of State on the surrender and revocation of a leaded petrol permit where the permit holder will continue to distribute and sell leaded petrol

14.—(1) This regulation applies where—

- (a) a revocation notice is given to a permit holder by the Secretary of State in accordance with regulation 12(2), or
- (b) a written notice is given to the Secretary of State by a permit holder in accordance with regulation 13(1)(a),

and that permit holder would remain a permit holder by holding another permit were the revocation notice or the written notice, as the case may be, to take effect.

(2) Where the Secretary of State has given a revocation notice in accordance with regulation 12(2), as soon as reasonably practicable after—

- (a) the expiry of the period specified in regulation 16(3)(a), or
- (b) the determination of the appeal, where an appeal has been made under regulation 16(1) (e) and that appeal has failed,

the Secretary of State shall write to any other permit holders inviting them to apply for the unallocated leaded petrol and the Secretary of State may advertise the availability of the unallocated leaded petrol generally.

(3) Where the Secretary of State has been given a written notice in accordance with regulation 13(1)(a), as soon as reasonably practicable the Secretary of State—

- (a) shall write to the other permit holders inviting them to apply for the unallocated leaded petrol, and
 - (b) may advertise the availability of the unallocated leaded petrol generally.
- (4) Where a permit holder applies for a leaded petrol permit in respect of the unallocated leaded petrol under this regulation, the application shall—
- (a) be made in writing to the Secretary of State, and
 - (b) identify those nominated filling stations through which the permit holder intends to sell the leaded petrol.
- (5) Where a person other than a permit holder applies for a leaded petrol permit in respect of the unallocated leaded petrol under this regulation, the application shall be made in accordance with regulation 10.
- (6) On receipt of an application under paragraph (4), and subject to the provisions of paragraph (7), the Secretary of State may—
- (a) grant one or more leaded petrol permits to the applicant on the terms and conditions specified in Schedule 2 and on such other terms as appear to the Secretary of State appropriate, or
 - (b) reject the application.
- (7) In exercising the power specified in paragraph (6), the Secretary of State shall take into account the desirability of ensuring that as widespread and continuous a supply of the annual leaded petrol allocation is achieved throughout the United Kingdom as is reasonably practicable.

Duties of the Secretary of State on the surrender and revocation of a leaded petrol permit where the permit holder will cease to distribute and sell leaded petrol

15.—(1) This regulation applies where—

- (a) a revocation notice is given to a permit holder by the Secretary of State in accordance with regulation 12(2), or
- (b) a written notice is given to the Secretary of State by a permit holder in accordance with regulation 13(1)(a),

and that permit holder would cease to be a permit holder were the revocation notice or the written notice, as the case may be, to take effect.

(2) Where the Secretary of State has given a revocation notice in accordance with regulation 12(2), as soon as reasonably practicable after—

- (a) the expiry of the period specified in regulation 16(3)(a), or
- (b) the determination of the appeal, where an appeal has been made under regulation 16(1)(e) and that appeal has failed,

the Secretary of State shall advertise the availability of the unallocated leaded petrol generally.

(3) Where the Secretary of State has been given written notice in accordance with regulation 13(1)(a), as soon as reasonably practicable the Secretary of State shall advertise the availability of the unallocated leaded petrol generally.

(4) Where an application for a leaded petrol permit in respect of the unallocated leaded petrol is made under this regulation, the application shall be made in accordance with regulation 10.

Appeals

16.—(1) Where—

- (a) an application for a leaded petrol permit is rejected,

(b) an application for a leaded petrol permit in respect of unallocated leaded petrol is rejected,
(c) a leaded petrol permit is granted subject to conditions,
(d) an application for the variation of a leaded petrol permit is rejected, or
(e) a revocation notice is given by the Secretary of State in accordance with regulation 12(2),
the applicant or, as the case may be, the permit holder may appeal against the decision to the Secretary of State.

(2) An appeal under paragraph (1) shall be made by notice in writing accompanied by a statement of the grounds of the appeal.

(3) A notice of appeal shall be given—

- (a) in the case of an appeal under sub-paragraph (1)(a), (c) or (e) before the expiry of the period of fourteen days beginning with the date on which the decision which is the subject of the appeal is notified to the appellant, and
- (b) in the case of any other appeal under paragraph (1), before the expiry of the period of twenty-eight days beginning with the date on which the decision which is the subject of the appeal is notified to the appellant.

(4) The Secretary of State, if satisfied that there are special reasons for doing so, may at any time allow notice of an appeal to be given after the expiry of the periods mentioned in paragraph (3).

(5) The Secretary of State shall not be required to determine an appeal under sub-paragraph (1)(a) or (b) in respect of an application for a particular calendar year if on the date he receives the notice of appeal—

- (a) one or more permits have been issued in respect of that calendar year, and
- (b) those permits authorise the distribution and sale of all of the annual leaded petrol allocation for that calendar year.

(6) Where an appeal under paragraph (1)(a) or (b) is successful in whole or in part, the Secretary of State may give effect to the appeal decision by issuing one or more leaded petrol permits in accordance with the provisions of regulation 10(3)(a).

(7) Where an appeal under paragraph (1)(c) or (d) is successful in whole or in part, the Secretary of State may give effect to the appeal decision by issuing a variation notice in accordance with regulation 11(4).

(8) Where an appeal under paragraph (1)(e) is successful in whole or in part, the Secretary of State shall give effect to the appeal decision by reinstating the appellant as the holder of any permit in respect of which the appeal succeeded.