

2007 No. 1608

PUBLIC HEALTH

**The Motor Fuel (Composition and Content)(Amendment)
Regulations 2007**

<i>Made</i> - - - -	<i>4th June 2007</i>
<i>Laid before Parliament</i>	<i>7th June 2007</i>
<i>Coming into force</i> - -	<i>4th December 2007</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred upon him by sections 30(1) and (3)(a) and 63(1) of the Clean Air Act 1993(a).

In accordance with section 30(2) of that Act, he has consulted persons appearing to him to represent manufacturers and users of motor vehicles, persons appearing to him to represent the producers and users of fuel for motor vehicles and persons appearing to him to be conversant with the problems of air pollution.

Citation and commencement

1. These Regulations may be cited as the Motor Fuel (Composition and Content)(Amendment) Regulations 2007 and shall come into force on 4th December 2007.

Amendment of the Motor Fuel (Composition and Content) Regulations 1999

2.—(1) The Motor Fuel (Composition and Content) Regulations 1999(b) shall be further amended as follows.

(2) For regulation 3 substitute—

“Interpretation of requirements relating to petrol and diesel fuel

3.—(1) A reference in this Part to the need for petrol or diesel fuel to comply with a specified requirement is to be construed in accordance with this regulation.

(2) Unless it is petrol to which paragraph (8) applies, before 1st January 2009 petrol complies with the winter petrol requirement if its composition and content meet the environmental specifications in Annex III of the Directive, but with the qualification that—

- (a) the requirement of the parameter “Vapour pressure, summer period” does not apply, and
- (b) it may have 50 mg/kg as its maximum sulphur content.

(a) 1993 c.11.

(b) S.I. 1999/3107, amended by S.I. 2001/3896 and 2003/3078.

(3) If it is petrol to which paragraph (8) applies, or in any case on or after 1st January 2009, petrol complies with the winter petrol requirement if its composition and content meet the environmental specifications in Annex III of the Directive, but with the qualification that—

- (a) the requirement of the parameter “Vapour pressure, summer period” does not apply, and
- (b) its maximum sulphur content must be 10 mg/kg.

(4) Unless it is petrol to which paragraph (8) applies, before 1st January 2009 petrol complies with the summer petrol requirement if its composition and content meet the environmental specifications in Annex III of the Directive, but with the qualification that it may have—

- (a) 50 mg/kg as its maximum sulphur content; and
- (b) a vapour pressure not exceeding 70 kPa.

(5) If it is petrol to which paragraph (8) applies, or in any case on or after 1st January 2009, petrol complies with the summer petrol requirement if its composition and content meet the environmental specifications in Annex III of the Directive, but with the qualification that—

- (a) its maximum sulphur content must be 10 mg/kg; and
- (b) it may have a vapour pressure not exceeding 70 kPa.

(6) Unless it is diesel fuel to which paragraph (8) applies, before 1st January 2009 diesel fuel complies with the diesel fuel requirement if its composition and content meet the environmental specifications in Annex IV of the Directive, with the qualification that its maximum sulphur content may be 50 mg/kg.

(7) If it is diesel fuel to which paragraph (8) applies, or in any case on or after 1st January 2009, diesel fuel complies with the diesel fuel requirement if its composition and content meet the environmental specifications in Annex IV of the Directive, with the qualification that its maximum sulphur content must be 10 mg/kg.

(8) This paragraph applies to super unleaded petrol or diesel fuel sold at a filling station before 1st January 2009 if—

- (a) it is sold in 2007 and the total amount of petrol and diesel fuel sold at that filling station in 2006 was not less than 3 million litres, or
- (b) it is sold in 2008 and the total amount of petrol and diesel fuel sold at that filling station in 2007 was not less than 3 million litres.

(9) In this regulation “super unleaded petrol” means petrol that has—

- (a) a research octane number of not less than 97 measured in accordance with the Test Method specified for research octane number in Annex III of the Directive; and
- (b) a motor octane number of not less than 86 measured in accordance with the Test Method specified for motor octane number in Annex III of the Directive.”.

(3) For regulation 6(4) substitute—

“(4) Notwithstanding the provisions of regulation 5(1) a person may, between 1st January and 31st May 2009, sell petrol which does not comply with the winter petrol requirement if—

- (a) the composition and content of the petrol meet the environmental specifications in Annex III of the Directive with the qualification that—
 - (i) the requirement of the parameter “Vapour pressure, summer period” does not apply, and
 - (ii) it may have 50 mg/kg as its maximum sulphur content; and
- (b) the petrol has been stored at the filling station at which it is sold in a filling station tank to which fewer than three deliveries of petrol have been made after 31st December 2008.”.

Signed by authority of the Secretary of State

4th June 2007

S.J. Ladyman
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Fuel (Composition and Content) Regulations 1999 (S.I. 1999/3107; “the Principal Regulations”) in order to implement the parts of Article 1 of Directive 2003/17/EC of the European Parliament and of the Council of 3rd March 2003 (OJ No L76, 22.3.2003, p.10; “the Directive”) that add a subparagraph (d) to Article 3(2) and a subparagraph (d) to Article 4(1) of Council Directive 98/70/EC (OJ No L 350, 28.12.1998, p. 58.) The new subparagraphs contain requirements to promote the marketing, on an appropriately balanced geographical basis, of petrol (in the case of Article 3(2)(d)) and diesel fuel (in the case of Article 4(1)(d)) with a maximum sulphur content of 10mg/kg.

Regulation 2(2) substitutes a new regulation 3 for the current regulation 3 in the Principal Regulations. This provides that the level of sulphur in super unleaded petrol and diesel fuel sold before 1st January 2009 must not exceed 10 mg/kg if the super unleaded petrol or diesel fuel is sold at a filling station at which the total amount of petrol and diesel fuel sold in the preceding calendar year was 3 million litres or more. Further, the new regulation 3 provides that to satisfy the summer petrol requirement the vapour pressure of petrol must not exceed 70 kPa (which accords with the specification contained in footnote 5 to Annex III of the Directive).

Regulation 2(3) replaces the current regulation 6(4) of the Principal Regulations (transitional provisions) with a new regulation 6(4) permitting the sale of petrol that does not comply with the new winter requirements (and which would otherwise be a contravention of regulation 5(1)) if certain conditions are satisfied.

A transposition note setting out how the relevant elements of the Directive are transposed into law and a full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are available from Cleaner Fuels and Vehicles Division, Department for Transport, Zone 2/15, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone 0207 944 2063; e mail TonyT.Baker@dft.gsi.gov.uk). They are also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. Copies have been placed in the library of each House of Parliament.

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