
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in England and Wales, matters concerning heavy fuel oil (except marine fuels) contained in Council Directive [1999/32/EC](#) (OJ L 121, 11.5.1999, p.13 as amended by Regulation [\(EC\) No 1882/2003](#) of the European Parliament and of the Council (OJ L 284, 31.10.2003, p.1)) relating to a reduction in the sulphur content of certain liquid fuels and amending Directive [93/12/EEC](#) as amended by Directive [2005/33/EC](#) (OJ L 191, 22.7.2005, p.59) of the European Parliament and of the Council as regards the sulphur content of marine fuels.

Regulation 3 sets out those matters outside the scope of these Regulations.

Regulation 4 provides, subject to exceptions, that no person shall use any heavy fuel oil which has a sulphur content exceeding 1 per cent by mass.

Regulation 5 provides that no person shall use gas oil with a sulphur content exceeding 0.2 percent by mass and, on or after 1st January 2008, with a sulphur content exceeding 0.1 percent by mass.

Regulation 6 provides that the Secretary of State shall take all necessary measures to ensure that sampling of heavy fuel oil and gas oil is carried out. The Secretary of State must also check that the use of those fuels complies with the restrictions in regulations 4 and 5.

Regulation 7 provides that it is an offence to contravene the restrictions on heavy fuel oil and gas oil in regulations 4 and 5.

Under regulation 8, the Sulphur Content of Liquid Fuels (England and Wales) Regulations 2000 ([S.I 2000/1460](#)) are revoked with a saving in respect of applications for permissions submitted under those Regulations.

Schedule 1 provides for a local authority to grant permits to enable an operator of a combustion plant (who would not otherwise require a permit to operate the plant) to be exempt from the restriction on the use of heavy fuel oil in regulation 4.

Schedule 2 sets out technical requirements for the analysis of samples taken under regulation 6.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen. A transposition note is available from AEQ Division, Department for Environment, Food and Rural Affairs, Zone 7/E14, Ashdown House, 123 Victoria Street, London SW1E 6DE and at www.defra.gov.uk. Copies have been placed in the library of each House of Parliament.

Copies of the British Standards publications referred to in these Regulations may be obtained from any of the outlets operated by the British Standards Institution, or by post from the British Standards Institution at Standards House, 389 Chiswick High Road, London W4 4AL. The Integrated Customs Tariff of the United Kingdom, which sets out the CN codes used in the definitions of “gas oil” and “heavy fuel oil”, are published by HMSO and available from HMSO Bookshops. The 1999 Annual Book of ASTM Standards is available from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, USA.

Changes to legislation:

There are currently no known outstanding effects for the The Sulphur Content of Liquid Fuels (England and Wales) Regulations 2007.