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STATUTORY INSTRUMENTS

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**2014 No. 1975**

**The Sulphur Content of Liquid Fuels (England and Wales) (Amendment) Regulations 2014**

**Regulation 4**

4. For regulation 4 (maximum sulphur content of heavy fuel oil) substitute—

“4.—(1) No person shall use any heavy fuel oil that has a sulphur content exceeding 1 per cent by mass.

(2) Until 1st January 2016, paragraph (1) shall not apply to the use of heavy fuel oil—

(a) in a new plant that—

(i) is subject to Article 4(1) of [Directive 2001/80/EC](#) and is operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Part A of Annex IV of that Directive; or

(ii) is subject to Article 4(2) of [Directive 2001/80/EC](#) and is operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Part B of Annex IV of that Directive;

(b) in an existing plant—

(i) operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Part A of Annex IV of [Directive 2001/80/EC](#); or

(ii) that is a participating plant operated in accordance with a permit containing a condition prohibiting the monthly average emissions of sulphur dioxide from the plant from exceeding 1,700 mg/Nm<sup>3</sup> at an oxygen content in the flue gas of 3 per cent by volume on a dry basis;

(c) in a combustion plant, other than a plant to which sub-paragraph (a) or (b) applies, that is operated in accordance with a permit containing a condition prohibiting the monthly average of emissions of sulphur dioxide from the plant from exceeding 1,700 mg/Nm<sup>3</sup> at an oxygen content in the flue gas of 3 per cent by volume on a dry basis; or

(d) in a combustion plant, other than a gas engine, a gas turbine or a plant to which sub-paragraph (a) or (b) applies, that—

(i) forms part of a refinery; and

(ii) is operated in accordance with a permit containing a condition that the monthly average of emissions of sulphur dioxide averaged over all combustion plants in the refinery, irrespective of the type of fuel or fuel combination used, does not exceed 1,700 mg/Nm<sup>3</sup> at an oxygen content in the flue gas of 3 per cent by volume on a dry basis.

- (3) As from 1st January 2016, paragraph (1) shall not apply to the use of heavy fuel oil—
- (a) in a combustion plant that—
    - (i) falls within the scope of Chapter III of Directive 2010/75/EU; and
    - (ii) is operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out in Annex V to that Directive;
  - (b) in a combustion plant that—
    - (i) falls within the scope of Chapter III of Directive 2010/75/EU;
    - (ii) is not subject to the emission limit values for sulphur dioxide set out in Annex V to that Directive; and
    - (iii) is operated in accordance with a permit containing a condition prohibiting the monthly average emissions of sulphur dioxide from the plant from exceeding 1,700 mg/Nm<sup>3</sup> at an oxygen content in the flue gas of 3 per cent by volume on a dry basis;
  - (c) in a combustion plant, other than a plant to which sub-paragraph (a) or (b) applies, that is operated in accordance with a permit containing a condition prohibiting the monthly average emissions of sulphur dioxide from exceeding 1,700 mg/Nm<sup>3</sup> at an oxygen content in the flue gas of 3 per cent by volume on a dry basis; or
  - (d) in a combustion plant, other than a gas engine, a gas turbine or a plant to which sub-paragraph (a) or (b) applies, that—
    - (i) forms part of a refinery; and
    - (ii) is operated in accordance with a permit containing a condition that the monthly average of emissions of sulphur dioxide averaged over all combustion plants in the refinery, irrespective of the type or fuel or fuel combination used, does not exceed 1,700 mg/Nm<sup>3</sup> at an oxygen content in the flue gas of 3 per cent by volume on a dry basis.
- (4) An authority that grants a permit referred to in paragraph (2) or (3) shall carry out appropriate monitoring of emissions of sulphur dioxide to ensure that the limitations on emissions contained in that permit are not exceeded.
- (5) In this regulation—
- “Directive 2001/80/EC” means Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants<sup>(1)</sup>;
  - “Directive 2010/75/EU” means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast)<sup>(2)</sup>;
  - “existing plant” and “new plant” have the meaning given in Article 2(10) and 2(9) respectively of Directive 2001/80/EC;
  - “gas engine” and “gas turbine” have the meaning given in Article 3(34) and (33) respectively of Directive 2010/75/EU;
  - “participating plant” has the meaning given in regulation 3(1)(a) of the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007<sup>(3)</sup>;

(1) OJ L 309, 27.11.2001, p. 1, last amended by Directive 2009/31/EC (OJ L 140, 5.6.2009, p. 114).

(2) OJ L 334, 17.12.2010, p. 17.

(3) S.I. 2007/2325; relevant amending instruments are S.I. 2007/3476, 2007/3538, 2010/675.

“permit” means—

- (a) if the operation of the combustion plant requires an authorisation or permit—
    - (i) an authorisation under Part I of the Environmental Protection Act 1990 (integrated pollution control and air pollution control by local authorities)**(4)**; or
    - (ii) a permit under regulations made under section 2 of the Pollution Prevention and Control Act 1999 (regulation of polluting activities)**(5)**; or
  - (b) a sulphur content of liquid fuels permit which—
    - (i) was granted for the purposes of the Sulphur Content of Liquid Fuels (England and Wales) Regulations 2000**(6)** and which is still subsisting; or
    - (ii) is granted under these Regulations.
- (6) The Schedule (sulphur content of liquid fuels permits) has effect.”.

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**(4)** 1990 c.43.

**(5)** 1999 c.24. Regulations made under that section relevant to this regulation are [S.I. 2010/675](#), to which there are amendments not relevant to this regulation, and [S.I. 2013/971](#).

**(6)** [S.I. 2000/1460](#).