

## STATUTORY INSTRUMENTS

# 2021 No. 199

## The Motor Fuel (Composition and Content) and the Biofuel (Labelling) (Amendment) Regulations 2021

### PART 2

#### Amendments to the Motor Fuel (Composition and Content) Regulations 1999

2. The Motor Fuel (Composition and Content) Regulations 1999 are amended in accordance with regulations 3 to 10.

#### Commencement Information

II [Reg. 2](#) in force at 19.3.2021, see [reg. 1\(2\)](#)

#### Amendments to regulation 2

3.—(1) Regulation 2 is renumbered as paragraph (1) of that regulation.

(2) In paragraph (1), as renumbered—

(a) at the appropriate places, insert—

““blending facility” means a facility, that is not a refinery, where motor fuel is blended with ethanol or FAME;”;

““BS EN 228:2012” means the British Standard which is entitled “Automotive fuels. Unleaded petrol. Requirements and test methods” and was published under number BS EN 228:2012;”;

““BS EN 14214:2012” means the British Standard which is entitled “Liquid petroleum products. Fatty acid methyl esters (FAME) for use in diesel engines and heating applications. Requirements and test methods” and was published under number BS EN 14214:2012;”;

““BS EN 590:2013” means the British Standard which is entitled “Automotive fuels. Diesel. Requirements and test methods” and was published under number BS EN 590:2013;”;

““BS EN ISO 4259:2017” means the British Standard which is entitled “Petroleum and related products. Precision of measurement methods and results. Interpretation and application of precision data in relation to methods of test” and was published under number BS EN ISO 4259:2017;”;

““FAME” means fatty acid methyl ester;”;

““Regulation (EC) No 715/2007” means Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6)

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**Changes to legislation:** There are currently no known outstanding effects for the The Motor Fuel (Composition and Content) and the Biofuel (Labelling) (Amendment) Regulations 2021, PART 2. (See end of Document for details)

and on access to vehicle repair and maintenance information, as it had effect immediately before IP completion day;”;

““Regulation (EC) No 595/2009” means Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC, as it had effect immediately before IP completion day;”;

(b) for the definition of “diesel fuel” substitute—

““diesel fuel” means a gas oil falling within CN code 2710 19 43 and used for self-propelling vehicles as referred to in Regulation (EC) No 715/2007 and Regulation (EC) No 595/2009;”;

(c) omit the definition of “the Directive”;

(d) in the definition of “distribute”, in paragraph (b), after “refinery” insert “ or from a blending facility ”;

(e) in the definition of “gas oil” for “2710 19 41 and 2710 19 45” substitute “ 2710 19 43 and 2710 19 46 ”;

(f) in the definition of “leaded petrol”, for “Annex 1 of the Directive”, in each place it occurs, substitute “ Table 1 of Schedule AA1 ”;

(g) for the definition of “petrol” substitute—

““petrol” means any volatile mineral oil intended for the operation of internal combustion positive-ignition engines for the propulsion of vehicles and falling within CN codes 2710 12 41, 2710 12 45, 2710 12 49 and 2710 12 50;”;

(h) after the definition of “petrol” insert—

““premium 95 grade petrol” means petrol that has a research octane number of at least 95 but less than 97 measured in accordance with the test method referred to in Table 1 of Schedule AA1;”.

(3) After paragraph (1) as renumbered, insert—

“(2) In these Regulations any reference to a numbered CN code is a reference to the code set out in Annex 1 to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as it had effect immediately before IP completion day.”.

#### Commencement Information

- I2** Reg. 3(1)(2)(a)-(g)(3) in force at 19.3.2021, see [reg. 1\(2\)](#)  
**I3** Reg. 3(2)(h) in force at 1.9.2021, see [reg. 1\(3\)](#)

#### Amendments to regulation 3

4. <sup>M1</sup>In regulation 3 —

- (a) in paragraph (2), for “Annex 1 of the Directive”, substitute “ Table 1 of Schedule AA1 ”;
- (b) in paragraph (3), from “Annex 1” to the end, substitute “ Table 1 of Schedule AA1 ”;
- (c) in paragraph (4), for “Annex II of the Directive”, substitute “ Table 2 of Schedule AA1 ”;
- (d) in paragraph (5)—
- (i) omit “before 1st January 2017”;

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- (ii) for “3” substitute “ 1 ”;
- (e) in paragraph (7), for “Annex I of the Directive”, in both places it occurs, substitute “ Table 1 of Schedule AA1 ”;
- (f) after paragraph (7) insert—
  - “(8) Premium 95 grade petrol will not comply with a specified requirement unless, in addition to the requirements of paragraphs (2) or (3), it has a minimum ethanol content of 5.5% by volume measured in accordance with the test method referred to in Table 1 of Schedule AA1.”.

**Commencement Information**

- I4** Reg. 4(a)-(c)(e) in force at 19.3.2021, see [reg. 1\(2\)](#)
- I5** Reg. 4(d)(f) in force at 1.9.2021, see [reg. 1\(3\)](#)

**Marginal Citations**

- M1** [Regulation 3](#) was substituted by [S.I. 2007/1608](#) and amended by [S.I. 2010/3035](#) and [S.I. 2013/2897](#).

PROSPECTIVE

**Amendment to regulation 5**

<sup>F1</sup>5. ....

**Textual Amendments**

- F1** Regulations revoked (12.8.2021) by [The Motor Fuel \(Composition and Content\) and the Biofuel \(Labelling\) \(Amendment\) \(No. 2\) Regulations 2021](#) (S.I. 2021/894), [regs. 1\(2\), 14](#)

**Amendment to regulation 5B**

6. In regulation 5B <sup>M2</sup>, in paragraph (7)(d), for “Article 1(3) of Council Directive [94/25/EC](#)” substitute “ regulation 2(1) of the Recreational Craft Regulations 2017 ”<sup>M3</sup>.

**Commencement Information**

- I6** Reg. 6 in force at 19.3.2021, see [reg. 1\(2\)](#)

**Marginal Citations**

- M2** [Regulation 5B](#) was inserted by [S.I. 2010/3035](#) and amended by [S.I. 2012/2567](#), [S.I. 2018/236](#) and [S.I. 2018/764](#).
- M3** [S.I. 2017/737](#).

**Amendments to regulation 6**

- 7. <sup>M4</sup>In regulation 6 —
  - (a) omit paragraph (4);
  - (b) after paragraph (6) insert—

“(7) Where, as a consequence of any issue occurring at a refinery or at a blending facility, there is a shortage of premium 95 grade petrol that has the required minimum ethanol content then, notwithstanding regulation 4(1) and (2), a person may, during the periods specified in paragraph (8), distribute premium 95 grade petrol which except for the required minimum ethanol content complies with specified requirements.

(8) The periods specified for the purposes of paragraph (7) are—

- (a) the relevant period, and
- (b) any period for which consent is given under paragraph (11).

(9) A person must, within 2 working days beginning with date on which the relevant period begins, notify the Secretary of State that they are distributing, or will distribute, premium 95 grade petrol pursuant to paragraph (7) and the notification must also provide—

- (a) details of the issue referred to in paragraph (7) and the date on which it first occurred,
- (b) the name and address of the refinery or the blending facility at which the issue occurred, and
- (c) information on any steps that are being taken to address the issue.

(10) A person may, at the same time as they notify the Secretary of State under paragraph (9), request the Secretary of State's consent to distribute premium 95 grade petrol pursuant to paragraph (7) for longer than the relevant period.

(11) The Secretary of State may consent to the request referred to in paragraph (10) if the Secretary of State considers that, at the end of the relevant period, the issue referred to in paragraph (7) is unlikely to be resolved.

(12) A person who distributes petrol pursuant to paragraph (7) must, before the end of the period of 30 days beginning with the date on which the relevant period ends or, where consent is given under paragraph (11) to distribute for a longer period, beginning with the date on which that period ends, provide the Secretary of State with details of the measures that have been taken to prevent a reoccurrence of the issue mentioned in paragraph (7).

(13) A person must not distribute premium 95 grade petrol pursuant to paragraph (7) more than 3 times in any 12 month period as a consequence of an issue occurring at the same refinery or blending facility.

(14) Notwithstanding regulation 4(1) and (2), a person may, with the Secretary of State's consent, distribute premium 95 grade petrol which, except for the required minimum ethanol content, complies with specified requirements, from premises where it—

- (a) is not technically feasible to blend ethanol with petrol in commercial volumes, and
- (b) was not technically feasible to do so during the previous calendar year,

and for the purpose of this paragraph, distribute includes distribution from those premises.

(15) An application for the Secretary of State's consent to distribute petrol pursuant to paragraph (14) must include—

- (a) the applicant's full name,
- (b) the name and address of the premises from which the petrol will be distributed, and
- (c) a declaration by the applicant that the matters mentioned in paragraph (14)(a) and (b) apply.

(16) On a first application made under paragraph (15), the Secretary of State may give consent for a person to distribute petrol pursuant to paragraph (14) for a period of 2 years.

(17) On subsequent applications made under paragraph (15), the Secretary of State may, after consulting with such persons as the Secretary of State considers appropriate, give consent for a person to distribute petrol pursuant to paragraph (14) for a period of up to 2 years at a time.

(18) Notwithstanding regulation 4(1) and (2), a person may distribute premium 95 grade petrol which, except for the required minimum ethanol content, complies with specified requirements, to a filling station mentioned in paragraph (19)(a) or (b).

(19) Notwithstanding regulation 5(1) and (2), a person may sell premium 95 grade petrol which, except for the required minimum ethanol content, complies with specified requirements, from a filling station which—

- (a) is in an area specified in Schedule 1 to the Hydrocarbon Oils and Biofuels (Road Fuels in Defined Areas) (Reliefs) Regulations 2011 <sup>M5</sup>,
- (b) in the previous calendar year sold less than a total amount of 1 million litres of petrol and diesel fuel,
- (c) receives petrol distributed by virtue of paragraph (7), or
- (d) receives petrol distributed by virtue of paragraph (14).

(20) In this regulation—

“relevant period” means a period of 10 working days beginning with the date on which the issue causing the shortage of premium 95 grade petrol that has the required minimum ethanol content first occurred;

“required minimum ethanol content” means the minimum ethanol content specified in regulation 3(8);

“working day” means a day other than a Saturday or Sunday, Good Friday, Christmas Day or a day which is a bank holiday in any part of the United Kingdom under section 1 of the Banking and Financial Dealings Act 1971 <sup>M6</sup>.”.

#### Commencement Information

**I7** Reg. 7(a) in force at 19.3.2021, see [reg. 1\(2\)](#)

**I8** Reg. 7(b) in force at 1.9.2021, see [reg. 1\(3\)](#)

#### Marginal Citations

**M4** [Regulation 6](#) was amended by [S.I. 2007/1608](#) and [S.I. 2010/3035](#).

**M5** [S.I. 2011/2935](#). Schedule 1 was inserted by [S.I. 2015/550](#).

**M6** [1971 c. 80](#).

#### Amendment to regulation 7

**8.** In regulation 7 <sup>M7</sup>, in paragraph (1), omit “but only in accordance with the provisions of article 7 of the Directive”.

#### Commencement Information

**I9** Reg. 8 in force at 19.3.2021, see [reg. 1\(2\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the The Motor Fuel (Composition and Content) and the Biofuel (Labelling) (Amendment) Regulations 2021, PART 2. (See end of Document for details)*

### Marginal Citations

**M7** Regulation 7 was amended by S.I. 2003/3078 and S.I. 2010/3035.

### Amendment to regulation 17

**9.** In regulation 17, in paragraph (2), for “Annexes I to IV of the Directive”, substitute “ Schedule AA1 ”.

### Commencement Information

**I10** Reg. 9 in force at 19.3.2021, see [reg. 1\(2\)](#)

### Insertion of Schedule AA1

**10.** Immediately before Schedule A1 insert the following Schedule—

“SCHEDULE AA1

Regulation 3

Environmental Specifications for Petrol and for Diesel Fuel

**Table 1**

#### Petrol

<i>Parameter<sup>1</sup></i>	<i>Unit</i>	<i>Limits<sup>2</sup></i>	
		<i>Minimum</i>	<i>Maximum</i>
Research number	octane	95	
Motor octane number		85	
Vapour summer period <sup>3</sup>	pressure, kPa		70.0
Distillation:			
— evaporated at 100°C	percentage % v/v	46.0	
— evaporated at 150°C	percentage % v/v	75.0	
Hydrocarbon analysis:			

<sup>1</sup> Test methods must be those specified in BS EN 228:2012. An analytical method specified in a replacement to BS EN 228:2012 can be used if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

<sup>2</sup> The values quoted in the specification are ‘true values’. In the establishment of their limit values, the terms of BS EN ISO 4259:2017 have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R= reproducibility). The results of individual measurements must be interpreted on the basis of the criteria described in BS EN ISO 4259:2017.

<sup>3</sup> The summer period is the period specified in regulation 5(2).

<sup>4</sup> Other mono-alcohols and ethers with a final boiling point no higher than that stated in BS EN 228:2012.

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— olefins	% v/v	18.0
— aromatics	% v/v	35.0
— benzene	% v/v	1.0
Oxygen content	% m/m	3.7
Oxygenates		
— Methanol	% v/v	3.0
— Ethanol (stabilising agents may be necessary)	% v/v	10.0
— Iso-propyl alcohol	% v/v	12.0
— Tert-butyl alcohol	% v/v	15.0
— Iso-butyl alcohol	% v/v	15.0
— Ethers containing five or more carbon atoms per molecule	% v/v	22.0
—Other oxygenates <sup>4</sup>	% v/v	15.0
Sulphur content	mg/kg	10.0
Lead content	g/l	0.005

<sup>1</sup> Test methods must be those specified in BS EN 228:2012. An analytical method specified in a replacement to BS EN 228:2012 can be used if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

<sup>2</sup> The values quoted in the specification are ‘true values’. In the establishment of their limit values, the terms of BS EN ISO 4259:2017 have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R= reproducibility). The results of individual measurements must be interpreted on the basis of the criteria described in BS EN ISO 4259:2017.

<sup>3</sup> The summer period is the period specified in regulation 5(2).

<sup>4</sup> Other mono-alcohols and ethers with a final boiling point no higher than that stated in BS EN 228:2012.

**Table 2**

**Diesel fuel**

<i>Parameter<sup>1</sup></i>	<i>Unit</i>	<i>Limits<sup>2</sup></i>	
		<i>Minimum</i>	<i>Maximum</i>
Cetane number		51.0	

<sup>1</sup> Test methods must be those specified in BS EN 590:2013. An analytical method specified in a replacement to BS EN 590:2013 can be used if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

<sup>2</sup> The values quoted in the specification are ‘true values’. In the establishment of their limit values, the terms of BS EN ISO 4259:2017 have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R= reproducibility). The results of individual measurements must be interpreted on the basis of the criteria described in BS EN ISO 4259:2017.

<sup>3</sup> FAME must comply with BS EN 14214:2012.

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Density at 15°C	kg/m	845.0
Distillation:		
— 95% v/v recovered	°C	360.0
at:		
Polycyclic aromatic hydrocarbons	% m/m	8.0
Sulphur content	mg/kg	10.0
FAME content – EN 14078	% v/v	7.0 <sup>3</sup>

<sup>1</sup> Test methods must be those specified in BS EN 590:2013. An analytical method specified in a replacement to BS EN 590:2013 can be used if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

<sup>2</sup> The values quoted in the specification are ‘true values’. In the establishment of their limit values, the terms of BS EN ISO 4259:2017 have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R= reproducibility). The results of individual measurements must be interpreted on the basis of the criteria described in BS EN ISO 4259:2017.

<sup>3</sup> FAME must comply with BS EN 14214:2012.

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#### Commencement Information

**III** Reg. 10 in force at 19.3.2021, see [reg. 1\(2\)](#)



**Status:**

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**Changes to legislation:**

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