

1979 No. 21

PUBLIC HEALTH

Oil Fuel (Sulphur Content of Gas Oil) Regulations
(Northern Ireland) 1979

Made 26th January 1979

Coming into operation 5th March 1979

The Department of the Environment in exercise of the powers conferred on it by Article 55 of the Pollution Control and Local Government (Northern Ireland) Order 1978(a) and of all other powers enabling it in that behalf, and after consulting such persons appearing to it (i) to represent producers and users of oil fuel, (ii) to represent manufacturers and users of plant and equipment for which oil fuel is used, and (iii) to be conversant with problems of air pollution, as it considers appropriate, in accordance with the provisions of Article 55(2), hereby makes the following regulations:—

Commencement and citation

1. These regulations may be cited as the Oil Fuel (Sulphur Content of Gas Oil) Regulations (Northern Ireland) 1979 and shall come into operation on 5th March 1979.

Interpretation

2. In these Regulations:—

“the Department” means the Department of the Environment;

“gas oil” means any liquid petroleum product produced in a refinery of which—

(a) less than 65 per cent by volume, including losses, is distilled at a temperature of 250° Centigrade when it is tested by the method described in the British Standard which is entitled “Method for determination of distillation of petroleum products” and was published on 23rd September 1968 under the number B.S. 4349: 1968; and

(b) 85 per cent or more by volume, including losses, is distilled at a temperature of 350° Centigrade when it is tested by that method;

“power station” includes any plant or equipment used directly or indirectly for the generation of electrical energy, or for purposes of testing, trial or development in connection with the generation of such energy;

“ship” has the meaning assigned to it by section 742 of the Merchant Shipping Act 1894(b).

Permitted maximum amount of sulphur in gas oil

3.—(1) For the purposes of these regulations, the maximum permitted amount of sulphur per one hundred grammes of gas oil (in these regulations referred to as “the permitted maximum”), when tested by the appropriate method, in relation to any date falling within a period specified in column (1) of the Schedule shall be the number of grammes specified in respect of that period in column (2).

(2) For the purposes of this regulation gas oil is tested by the appropriate method when—

- (a) it is tested by the method described in the British Standard which is entitled "Determination of the Sulphur Content of Petroleum Products by the Wickbold Combustion Method" and was published on 31st August 1976 under the number B.S. 5379 : 1976 EN41, and
- (b) the results of any such test are interpreted in accordance with the rules given in the British Standard which is entitled "Recommendations for the Application of Precision Data to Specifications for Petroleum Products" and was published on 28th March 1968 under the number B.S. 4306 : 1968.

Prohibition of use of gas oil having excess sulphur content

4.—(1) Subject to regulations 5 and 6, no person shall use, or cause or permit to be used, in any furnace or engine to which these regulations apply, any gas oil having a sulphur content which exceeds the permitted maximum.

(2) These regulations apply to any furnace or engine except

- (a) a furnace or engine used in a power station or in a ship; or
- (b) a diesel engine used to propel a motor vehicle.

(3) In this regulation—

"motor vehicle" does not include an agricultural vehicle, engineering plant or a works vehicle;

"agricultural vehicle" means a mechanically propelled vehicle which is designed and used primarily for work on the land in connection with agriculture, grass cutting, forestry, land levelling, dredging or similar operations;

"engineering plant" means—

(a) moveable plant or equipment being a mechanically propelled vehicle or trailer which is specially designed and constructed for the special purposes of engineering operations and which is not constructed primarily to carry a load other than a load being either excavated materials raised from the ground by apparatus on the vehicle or trailer or materials which the vehicle or trailer is specially designed to treat while carried thereon; or

(b) a mobile crane;

"works vehicle" means a mechanically propelled vehicle which is—

- (a) not kept or used on any public road; or
- (b) designed for use otherwise than on a public road but where used on such a road is so used only in delivering goods from or to private premises to or from a vehicle in the immediate neighbourhood, or in passing from one part of some private premises to another or to other private premises in the immediate neighbourhood, or in connection with road works while at or in the immediate neighbourhood of the site of such works; and

"public road" means a road which is repairable at the public expense.

Exemptions in certain cases

5.—(1) Nothing in regulation 4 shall apply to the production, treatment or use of gas oil which is in the course of being manufactured or blended.

(2) Nothing in regulation 4 shall apply so as to render it unlawful to use gas oil contained in the tank of a vehicle entering Northern Ireland in a case where the gas oil in the tank is to be used for the propulsion of the vehicle, or for the driving of any ancillary engine or equipment forming part of the vehicle, and the gas oil is present in the tank when the vehicle enters Northern Ireland.

(3) Nothing in regulation 4 shall apply to the use of gas oil—

- (a) for the purposes of tests or experiments in connection with the composition of oil fuel, or of any other fuel used in any furnace or engine to which these regulations apply or;
- (b) for the purposes of tests or experiments in connection with the design or performance of any article which uses, or is intended to use, oil fuel or any other fuel used in any furnace or engine to which these regulations apply, or any component or lubricant of such an article, in a case where the composition or content of the fuel is relevant to that design or performance.

Power for the Department to grant exemptions

6. The Department may by instrument in writing confer exemption from any provision of regulation 4 upon such persons or classes of person, for such period, and in such circumstances, as may be specified in the instrument conferring the exemption.

Offences and penalties

7. No person shall be liable to conviction on indictment, or on summary conviction to a fine exceeding £50, for any contravention of, or failure to comply with, regulation 4.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 26th January 1979.

(L.S.)

J. A. D. Higgins

Senior Assistant Secretary

SCHEDULE

Maximum permitted amount of sulphur per hundred grammes of gas oil

Regulation 3

Column (1) Period	Column (2) Permitted Maximum
5th March 1979 to 30th September 1980	0.8 grammes
On and after 1st October 1980	0.5 grammes

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

The regulations provide that, subject to certain specified exemptions, and to such exemptions as the Department of the Environment may confer in particular cases, no person shall use, or cause or permit to be used, in any furnace or engine (other than one in a power station, ship or diesel engined motor vehicle) any gas oil containing more sulphur than 0.8 per cent. by weight between 5th March 1979 and 30th September 1980 (or more sulphur than 0.5 per cent. by weight from 1st October 1980 onwards).

Regulation 7 provides that no person shall be liable to conviction or indictment for a contravention of regulation 4, and that on summary conviction the maximum fine shall be £50.

The regulations give effect to the EEC Directive of 24th November 1975 on the approximation of the laws of the Member States relating to the sulphur content of certain liquid fuels (75/716/EEC).