

1991 No. 235

PUBLIC HEALTH

**Oil Fuel (Sulphur Content of Gas Oil)
Regulations (Northern Ireland) 1991**

Made 5th June 1991

Coming into operation 19th July 1991

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2) and 55(1), (3), (5) and (6) of the Pollution Control and Local Government (Northern Ireland) Order 1978(a) and of every other power enabling it in that behalf, and after consulting such persons appearing to the Department (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 the Department considers appropriate, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Oil Fuel (Sulphur Content of Gas Oil) Regulations (Northern Ireland) 1991 and shall come into operation on 19th July 1991.

Interpretation

2. In these regulations—

“gas oil” means any oil fuel of which at least 85 per cent by volume, including distillation losses, distils at a temperature of 350°C, when tested by the method described in the first revision (February 1985) of British Standard BS 2000: Part 123: 1985, entitled “British Standard Methods of Test for Petroleum and its Products, Part 123, Distillation of Petroleum Products” and which came into effect on 28th February 1985;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on a road as defined in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(b).

Prohibition of use of gas oil having excess sulphur content

3.—(1) This regulation applies to any furnace or engine except—

(a) a furnace or engine used in a ship; or

(b) a diesel engine used to propel a motor vehicle.

(a) S.I. 1978/1049 (N.I. 19); Art. 2(2) is cited because it contains a definition of “the Department” and “regulations”

(b) S.I. 1981/154 (N.I. 1)

(2) Subject to regulations 5 and 6, a person shall not use, or cause or permit to be used, in a furnace or engine to which this regulation applies, gas oil having a sulphur content that exceeds 0.3 per cent by weight when tested by the appropriate method as described in regulation 4.

(3) In paragraph (1)(a) "ship" includes every description of vessel used in navigation.

Appropriate method of testing

4. For the purposes of regulations 3(2) and 5(a)(i), gas oil is tested by the appropriate method when—

- (a) it is tested by the method described in the Institute of Petroleum document entitled "Sulphur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence (Non-Dispersive X-Ray Fluorescence)" published by the Institute of Petroleum as designation IP 336/81 (Reapproved 1986); and
- (b) the results of any such test are interpreted in accordance with the rules given in the first revision (February 1981) of the British Standard entitled "Method for Determination and Application of Precision Data in Relation to Methods of Test for Petroleum Products" published under the numbers BS 4306: 1981 and ISO 4259 — 1979 which came into effect on 27th February 1981.

Exemptions

5. Regulation 3 does not apply—

- (a) to the use of gas oil—
 - (i) having a sulphur content not exceeding 0.5 per cent by weight when tested by the appropriate method; and
 - (ii) already in the user's possession on 31st December 1988;
- (b) to the production, treatment or use of gas oil which is in the course of being manufactured, processed or blended in the refining industry;
- (c) to the use of gas oil contained in the fuel tank of a motor vehicle entering Northern Ireland from a state which is not a Member State of the European Community where—
 - (i) the gas oil in the tank is to be used for the propulsion of the vehicle; or
 - (ii) for the driving of any ancillary engine or equipment forming part of the vehicle; or
- (d) to the use of gas oil for the purpose of tests or experiments in connection with—
 - (i) the composition of oil fuel, or of any other fuel used, or for use, in any furnace or engine to which regulation 3 applies; or
 - (ii) the design or performance of any article which uses, or is intended to use, oil fuel or any other fuel used, or for use, in any such furnace or engine or any component or lubricant of such an article, 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 pursuant to Article 2.3 of Council Directive 87/219/EEC(a) by order confer exemption from regulation 3 upon such persons or classes of person, for such period and in such circumstances as may be specified in the order.

Reduction of penalties

7. In any case of contravention of regulation 3—

(a) liability to conviction on indictment is excluded; and

(b) the maximum fine on summary conviction is reduced to £100.

Revocation

8. The Oil Fuel (Sulphur Content of Gas Oil) Regulations (Northern Ireland) 1979(b) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 5th June 1991.

(L.S.)

R. W. Rogers

Assistant Secretary

(a) O.J. No. L91, 30.3.1987, p. 1

(b) S.R. 1979 No. 21

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations revoke and replace the Oil Fuel (Sulphur Content of Gas Oil) Regulations (Northern Ireland) 1979. They provide that, subject to certain specified exemptions and exemptions which the Department may confer in particular circumstances, no person shall use, or cause or permit to be used, in a furnace or engine (other than in a ship or diesel engined motor vehicle) gas oil which has a sulphur content greater than 0.3 per cent by weight when tested by the appropriate method (see regulations 3, 4, 5 and 6). The principal change is the reduction of the maximum permitted amount of sulphur from 0.5 per cent to 0.3 per cent by weight.

The regulations implement in part Council Directive 87/219/EEC (O.J. No. L91) on the approximation of the laws of Member States relating to the sulphur content of certain liquid fuels. The remainder of this Directive is implemented by the Motor Fuel (Sulphur Content of Gas Oil) (Amendment) Regulations 1990 (S.I. 1990/1097). Copies of this Directive and extracts from the Official Journal of the European Communities may be obtained from Her Majesty's Stationery Office, 80 Chichester Street, Belfast BT1 4JY.

The Institute of Petroleum's publications on Standard Methods for Analysis and Testing of Petroleum and Related Products may be obtained from the Institute of Petroleum at 61 New Cavendish Street, London W1M 8AR (telephone London (071) 636 1004).

British Standards publications may be obtained from the British Standards Institute Sales, Linford Wood, Milton Keynes, MK14 6LE (telephone Milton Keynes (0908) 221166).