
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 169

**The Sulphur Content of Liquid
Fuels (Scotland) Regulations 2000**

Maximum sulphur content of heavy fuel oil

3.—(1) Subject to the following provisions of this regulation, any person who uses heavy fuel oil on or after 1st January 2003 with a sulphur content exceeding 1 per cent by mass shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) Paragraph (1) above shall not apply to the use of heavy fuel oil in a new large combustion plant which is operated in accordance with a condition in a permit which contains emission limit values for sulphur dioxide which are at least as stringent as those set out for such plant in Annex IV to Directive [88/609/EEC](#)(1).

(3) Paragraph (1) above shall not apply to the use of heavy fuel oil in a combustion plant which is not a new large combustion plant and which is operated in accordance with a condition in a permit which prohibits the emissions of sulphur dioxide from the plant exceeding 1,700 mg/Nm³ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis.

(4) Paragraph (1) above shall not apply to the use of heavy fuel oil in a combustion plant which—

- (a) is not a new large combustion plant;
- (b) is used for combustion in a refinery with other combustion plant; and
- (c) is operated in accordance with a condition in a permit which provides that the plant may only be operated if (irrespective of the type of fuel or fuel combination used) the monthly average of emissions of sulphur dioxide averaged over all of the plant in the refinery (excluding new large combustion plant) does not exceed 1,700 mg/Nm³ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis.

(5) SEPA shall ensure that appropriate monitoring of emissions of sulphur dioxide is carried out for the purpose of checking compliance with the conditions contained in a permit referred to in paragraphs (2) to (4) above.

(6) In this regulation—

- (a) “new large combustion plant” means new plant, within the meaning of Article 2(9) of Directive [88/609/EEC](#), which falls within the scope of that Directive; and
- (b) “permit” means, in relation to a combustion plant—
 - (i) an authorisation under Part I of the Environmental Protection Act 1990 (pollution control)(2), if the operation of the plant requires such an authorisation;
 - (ii) a permit under regulations made under section 2 of the Pollution Prevention and Control Act 1999 (regulation of polluting activities)(3), if the operation of the plant requires such a permit; or

(1) O.J. L 336, 7.12.88, p.1.

(2) 1990 c. 43.

(3) 1999 c. 24.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(iii) in any other case, a permit granted for the purpose of these Regulations (a “sulphur content of liquid fuels permit”).

(7) Schedule 1 to these Regulations shall have effect in relation to applications for the grant of, and other matters relating to, sulphur content of liquid fuel permits.