
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 258

**The Sulphur Content of Liquid
Fuels (Scotland) Regulations 2014**

Maximum sulphur content of heavy fuel oil

4.—(1) Subject to paragraph (2), no person shall use any heavy fuel oil with a sulphur content exceeding 1 per cent by mass.

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

- (a) in a new plant which is operated in accordance with a permit which contains a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Annex IV to [Directive 2001/80/EC](#);
- (b) in an existing plant that is—
 - (i) operated in accordance with a permit which contains 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 to [Directive 2001/80/EC](#); or
 - (ii) 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 $1,700 \text{ mg/Nm}^3$ 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), which is operated in accordance with a permit which contains a condition which prohibits the monthly average of emissions of sulphur dioxide from the plant exceeding $1,700 \text{ mg/Nm}^3$ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis; or
- (d) in a combustion plant forming part of a refinery (other than a gas engine, a gas turbine or a plant to which sub-paragraph (a) or (b) applies), which is operated in accordance with a permit which contains a condition that the monthly average of emissions of sulphur dioxide averaged over all plants in the refinery, irrespective of the fuel type or fuel combination used, does not exceed $1,700 \text{ mg/Nm}^3$ 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) does 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/Nm³ 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/Nm³ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis; or
- (d) in a combustion plant forming part of a refinery (other than a gas engine, a gas turbine or a plant to which sub-paragraph (a) or (b) applies), which 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 fuel type or fuel combination used, does not exceed 1,700 mg/Nm³ at an oxygen content in the flue gas of 3 per cent per volume on a dry basis.
- (4) SEPA must ensure that appropriate monitoring of emissions of sulphur dioxide is carried out to ensure that the limitations on emissions contained in a permit referred to in paragraph (2) or (3) are not exceeded.
- (5) In this regulation—
- “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)(b) of the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007(1);
- “permit” means either—
- (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 (pollution control)(2);
- (ii) a permit under regulations made under section 2 of the Pollution Prevention and Control Act 1999 (regulation of polluting activities)(3); or
- (iii) an authorisation under regulations made under section 18 of the Regulatory Reform (Scotland) Act 2014(4); or
- (b) a sulphur content of liquid fuels permit.
- (6) The Schedule (sulphur content of liquid fuels permits) has effect.

(1) S.I. 2007/2325, relevantly amended by S.S.I. 2012/360.

(2) 1990 c.43. Section 6 (authorisations : general provisions) of the 1990 Act was amended by the Environment Act 1995 (c.25) Schedule 22, paragraph 48, and by the Pollution Prevention and Control (Scotland) Regulations 2012 (S.S.I. 2012/360).

(3) 1999 c.24.

(4) 2014 asp 3. No Regulations have been made under section 18.