



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART IV

#### CONTROL OF CERTAIN FORMS OF AIR POLLUTION

#### 31 Regulations about sulphur content of oil fuel for furnaces or engines. **E+W**

- (1) For the purpose of limiting or reducing air pollution, the Secretary of State may by regulations impose limits on the sulphur content of oil fuel which is used in furnaces or engines.
- (2) It shall be the duty of the Secretary of State, before he makes any regulations in pursuance of this section, to consult—
  - (a) such persons appearing to him to represent producers and users of oil fuel;
  - (b) such persons appearing to him to represent manufacturers and users of plant and equipment for which oil fuel is used; and
  - (c) such persons appearing to him to be conversant with problems of air pollution, as he considers appropriate.
- (3) Regulations under this section may—
  - (a) prescribe the kinds of oil fuel, and the kinds of furnaces and engines, to which the regulations are to apply;
  - (b) apply standards, specifications, descriptions or tests laid down in documents not forming part of the regulations; and
  - (c) without prejudice to the generality of section 63(1)(a), make different provision for different areas.
- (4) It shall be the duty—
  - (a) of every local authority to enforce the provisions of regulations under this section within its area, except in relation to a furnace which is
    - [<sup>F1</sup>(i)] part of a process subject to Part I of the <sup>M1</sup>Environmental Protection Act 1990 [<sup>F1</sup>, or

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- (ii) part of an installation subject to regulation by the [<sup>F2</sup>appropriate agency] under regulations made under section 2 of the Pollution Prevention and Control Act 1999]; and
- (b) of the inspectors appointed under that Part to enforce those provisions in relation to [<sup>F3</sup>furnaces within sub-paragraph (i) of paragraph (a) above and of the [<sup>F4</sup>appropriate agency] to enforce those provisions in relation to furnaces within sub-paragraph (ii) of that paragraph];
- but nothing in this section shall be taken to authorise a local authority in Scotland to institute proceedings for any offence.
- [<sup>F5</sup>(4A) For the investigatory powers available to a local authority for the purposes of the duty in subsection (4)(a), see Schedule 5 to the Consumer Rights Act 2015.]
- (5) In this section “oil fuel” means any liquid petroleum product produced in a refinery.
- [<sup>F6</sup>(6) In this section, “appropriate agency” means—
- (a) in relation to England, the Environment Agency;
  - (b) in relation to Wales, the Natural Resources Body for Wales.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** Words in s. 31(4)(a) renumbered as s. 31(4)(a)(i) and s. 31(4)(a)(ii) and word inserted (1.8.2000) by [S.I. 2000/1973, reg. 39, Sch. 10 para. 11\(a\)](#)
- F2** Words in s. 31(4)(a)(ii) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 343\(2\)](#) (with Sch. 7)
- F3** Words in s. 31(4)(b) substituted (1.8.2000) by [S.I. 2000/1973, reg. 39, Sch. 10 para. 11\(b\)](#)
- F4** Words in s. 31(4)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 343\(2\)](#) (with Sch. 7)
- F5** S. 31(4A) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\), Sch. 6 para. 53; S.I. 2015/1630, art. 3\(i\)](#)
- F6** S. 31(6) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 343\(3\)](#) (with Sch. 7)

#### Marginal Citations

- M1** [1990 c. 43.](#)

## 31 Regulations about sulphur content of oil fuel for furnaces or engines. S

- (1) For the purpose of limiting or reducing air pollution, the Secretary of State may by regulations impose limits on the sulphur content of oil fuel which is used in furnaces or engines.
- (2) It shall be the duty of the Secretary of State, before he makes any regulations in pursuance of this section, to consult—
  - (a) such persons appearing to him to represent producers and users of oil fuel;
  - (b) such persons appearing to him to represent manufacturers and users of plant and equipment for which oil fuel is used; and
  - (c) such persons appearing to him to be conversant with problems of air pollution,

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as he considers appropriate.

(3) Regulations under this section may—

- (a) prescribe the kinds of oil fuel, and the kinds of furnaces and engines, to which the regulations are to apply;
- (b) apply standards, specifications, descriptions or tests laid down in documents not forming part of the regulations; and
- (c) without prejudice to the generality of section 63(1)(a), make different provision for different areas.

(4) It shall be the duty—

- (a) of every local authority to enforce the provisions of regulations under this section within its area, except in relation to a furnace which is
  - [<sup>F7</sup>(i)] part of a process subject to Part I of the <sup>M2</sup>Environmental Protection Act 1990 <sup>F8</sup>[<sup>F7</sup> ...
  - (ii) part of an installation subject to regulation by the Scottish Environment Protection Agency under regulations made under the Pollution Prevention and Control Act 1999][<sup>F9</sup>; or
  - (iii) part of an activity subject to regulation by the Scottish Environment Protection Agency under regulations under section 18 of the Regulatory Reform (Scotland) Act 2014;] and
- (b) of the inspectors appointed under that Part to enforce those provisions in relation to [<sup>F10</sup>furnaces within sub-paragraph (i) of paragraph (a) above and of the Scottish Environment Protection Agency to enforce those provisions in relation to furnaces within sub-paragraph (ii) [<sup>F11</sup>or (iii)] of that paragraph];

but nothing in this section shall be taken to authorise a local authority in Scotland to institute proceedings for any offence.

[<sup>F5</sup>(4A) For the investigatory powers available to a local authority for the purposes of the duty in subsection (4)(a), see Schedule 5 to the Consumer Rights Act 2015.]

(5) In this section “oil fuel” means any liquid petroleum product produced in a refinery.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F5** S. 31(4A) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 53](#); [S.I. 2015/1630](#), art. 3(i)
- F7** Words in s. 31(4)(a) renumbered as s. 31(4)(a)(i) and s. 31(4)(a)(ii) and word inserted (S.) (28.9.2000) by [S.S.I. 2000/323](#), [reg. 36](#), [Sch. 10 para. 4\(2\)\(a\)](#)
- F8** Word in s. 31(4)(a) repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 4\(2\)\(a\)\(i\)](#); [S.S.I. 2014/160](#), art. 2(1)(2), sch.
- F9** S. 31(4)(a)(iii) and word inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 4\(2\)\(a\)\(ii\)](#); [S.S.I. 2014/160](#), art. 2(1)(2), sch.
- F10** Words in s. 31(4)(b) substituted (S.) (28.9.2000) by [S.S.I. 2000/323](#), [reg. 36](#), [Sch. 10 para. 4\(2\)\(b\)](#)
- F11** Words in s. 31(4)(b) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 4\(2\)\(b\)](#); [S.S.I. 2014/160](#), art. 2(1)(2), sch.

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#### Marginal Citations

M2 [1990 c. 43](#).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(4A)(4B) inserted by [S.I. 2023/908 reg. 16](#)
- s. 19E-19H and cross-heading inserted by [2024 asc 2 s. 19\(2\)](#)
- s. 20(5D)-(5F) inserted by [2021 c. 30 Sch. 12 para. 10\(2\)](#)
- s. 21(4A)-(4D) inserted by [2021 c. 30 Sch. 12 para. 11\(2\)](#)
- s. 28B inserted by [2024 asc 2 s. 20](#)
- s. 63(2A) inserted by [2024 asc 2 Sch. 1 para. 20\(b\)](#)
- Sch. 1 para. 1A1B inserted by [2024 asc 2 Sch. 1 para. 21\(a\)](#)
- Sch. 1 para. 6B inserted by [2024 asc 2 Sch. 1 para. 21\(c\)](#)
- Sch. 1A para. 3(5) inserted by [2024 asc 2 Sch. 1 para. 4\(c\)](#)
- Sch. 1A para. 4(7) inserted by [2024 asc 2 Sch. 1 para. 5\(d\)](#)
- Sch. 5 para. 12A12B inserted by [2024 asc 2 Sch. 1 para. 22\(a\)](#)