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The Motor Fuel (Sulphur Content of Gas Oil) Regulations 1976

<i>Made</i> - - - -	8th November 1976
<i>Laid before Parliament</i>	8th December 1976
<i>Coming into Operation</i>	29th December 1976

The Secretary of State for Transport in exercise of the powers conferred upon him by sections 75, 77(1) and 104(1) of the Control of Pollution Act 1974(a), and of all other enabling powers, and after consultation with persons appearing to him to represent manufacturers and users of motor vehicles, persons appearing to him to represent the producers and users of fuel for motor vehicles and persons appearing to him to be conversant with problems of air pollution, in accordance with the provisions of section 75(2) of that Act, hereby makes the following Regulations:—

Commencement and citation

1. These Regulations shall come into operation on 29th December 1976 and may be cited as the Motor Fuel (Sulphur Content of Gas Oil) Regulations 1976.

Interpretation

2.—(1) In these Regulations—

“gas oil” means any liquid petroleum product produced in a refinery of a kind used as fuel in motor vehicles propelled by diesel engines and of which—

- (a) less than 65% by volume, including losses, is distilled at a temperature of 250°C 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 BS 4349:1968; and
- (b) 85% or more by volume, including losses, is distilled at a temperature of 350°C when it is tested by that method; and

“motor fuel” means fuel of any kind used in motor vehicles.

(2) A reference in these Regulations to a numbered Regulation is a reference to the Regulation so numbered in these Regulations.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Application of Regulations

3. These Regulations apply to gas oil for use in the United Kingdom.

(a) 1974 c. 40.

(b) 1889 c. 63.

Sulphur content of gas oil

4.—(1) For each of the periods specified in column (1) of the Schedule to these Regulations the maximum permitted amount of sulphur per one hundred grammes of gas oil, when tested by the appropriate method, shall be the number of grammes specified in relation to that period in column (2) of that Schedule.

(2) For the purpose 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 BS 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 BS 4306:1968.

Prohibition with respect to gas oil having excess sulphur content

5. Subject to Regulations 6 and 7, no person shall during a period specified in column (1) of the Schedule to these Regulations—

- (a) produce, treat, distribute, import, sell, offer for sale, or have in his possession for sale any gas oil the sulphur content of which exceeds the maximum permitted amount for that period under Regulation 4, or
- (b) use, or cause or permit to be used, any gas oil the sulphur content of which exceeds the maximum permitted amount for that period as aforesaid if he knows or has reason to believe that it does so exceed.

Exemptions in certain cases

6.—(1) Nothing in Regulation 5 shall apply to the production, treatment, distribution, import, sale, offer for sale, possession for sale, or use of gas oil for or in any furnace or engine other than a diesel engine used to propel a motor vehicle.

(2) Nothing in Regulation 5 shall apply to the production, treatment, distribution, import, sale, offer for sale, or possession for sale of gas oil which is in the course of being manufactured or blended.

(3) Nothing in Regulation 5 shall apply so as to render it unlawful to import and use gas oil contained in the tank of a vehicle entering the United Kingdom in a case where the gas oil in the tank is to be used for the propulsion of the vehicle and the gas oil is present in the tank when the vehicle enters the United Kingdom.

(4) Nothing in Regulation 5 shall apply to the production, treatment, distribution, import, sale, offer for sale, possession for sale, or use of gas oil—

- (a) for the purpose of tests or experiments in connection with the composition of motor fuel, or
- (b) for the purpose of tests or experiments in connection with the design or performance of any article which uses, or is intended to use, motor fuel, or any component or lubricant of such an article, in a case where the composition or content of the fuel is relevant to such design or performance.

(5) 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.

Power for the Secretary of State to grant exemptions

7. The Secretary of State may by instrument in writing confer exemption from any provision of Regulation 5 upon such person or classes of person for such period and in such circumstances as may be specified in the instrument conferring the exemption.

Offences and Penalties

8. 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 5(b).

Special provision for Orkney and Shetland

9. In relation to the production, treatment, distribution, import, sale, offer for sale, possession for sale, or use of gas oil for or in a diesel engine which propels a motor vehicle in the island areas of Orkney and Shetland these Regulations shall have effect with the substitution for the words “column (2) of that Schedule.” in Regulation 4(1) of the words “column (3) of that Schedule.”

Evidence by certificate in Scotland

10. In any proceedings in Scotland against any person for contravention of, or failure to comply with, any provision of these Regulations a certificate issued by any person possessing the qualifications prescribed by regulations made under

section 27 of the Food and Drugs (Scotland) Act 1956(a) as qualifying persons for appointment as public analysts under the Act and stating the results of any test carried out in accordance with Regulation 4 shall be received in evidence, and be sufficient evidence of the matters stated in the certificate, and the provisions of sub-sections (2) to (4) of section 31 of the Trade Descriptions Act 1968(b) (Evidence by certificate) shall apply to any such a certificate as they apply to such a certificate as is mentioned in that section.

William Rodgers,
Secretary of State for Transport.

8th November 1976.

SCHEDULE Regulations 4 and 9

MAXIMUM PERMITTED AMOUNTS OF SULPHUR PER HUNDRED GRAMMES OF GAS OIL

Column (1)	Column (2)	Column (3)
29th December 1976 to 30th September 1980 ...	0.5 grammes	0.8 grammes
On and after 1st October 1980	0.3 grammes	0.5 grammes

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply to England, Wales, Scotland and Northern Ireland.

They provide that, subject to certain specified exemptions and to such exemptions as the Secretary of State may confer in particular cases, no person shall produce, treat, distribute, import, sell, offer for sale, possess for sale, use or cause or permit to be used, any gas oil which is for use in the United Kingdom by diesel engined motor vehicles and which contains in respect of the period 29th December 1976 to 30th September 1980 more sulphur than .5% by weight, and in respect of the period 1st October 1980 onwards more sulphur than .3% by weight. In respect of Orkney and Shetland the limits are .8% and .5%.

(a) 1956 c. 30.

(b) 1968 c. 29.

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