
 STATUTORY INSTRUMENTS

1981 No. 1523

**PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
PUBLIC HEALTH, NORTHERN IRELAND**

**The Motor Fuel (Lead Content of Petrol)
Regulations 1981**

Made - - - - - 26th October 1981

Laid before Parliament 3rd November 1981

Coming into Operation 24th November 1981

The Secretary of State for Transport in exercise of the powers conferred by sections 75 and 77(1) of the Control of Pollution Act 1974(a) and now vested in him(b) 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 24th November 1981 and may be cited as the Motor Fuel (Lead Content of Petrol) Regulations 1981.

Interpretation

2.—(1) In these Regulations—

“hovercraft” has the same meaning as in section 4(1) of the Hovercraft Act 1968(c);

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

“petrol” means petroleum spirit as defined in section 23 of the Petroleum (Consolidation) Act 1928(d) of a kind used as fuel in motor vehicles; and

“petrol filling station” means any premises used, or intended to be used, by way of trade or for purposes of gain for fuelling motor vehicles with petrol.

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

Application of Regulations

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

(a) 1974 c. 40. (b) S.I. 1979/571 and 1981/238.
(c) 1968 c. 59. (d) 1928 c. 32.

Lead content of petrol

4.—(1) The maximum permitted amount of lead per litre of petrol, when tested by the appropriate method, shall be—

- (a) on and after 1st January 1981 and before 31st December 1985, 0.40 grammes; and
- (b) on and after 31st December 1985, 0.15 grammes.

(2) Save as provided in Regulation 6(4), for the purpose of this Regulation petrol is tested by the appropriate method when—

- (a) it is tested by the method prescribed in the British Standard which is entitled “Petroleum products—Gasoline—Determination of lead content—Iodine monochloride method” and was published on 30th November 1978 under the number BS 5657: 1978 (ISO 3830: 1977); and
- (b) the results of any such test are interpreted in accordance with the rules given in the British Standard which is entitled “Method for Determination and application of precision data in relation to methods of test for petroleum products” and was published on 28th March 1968 under the number BS 4306: 1968 and revised by the publication in February 1981 of BS 4306: 1981 (ISO 4259: 1979).

Prohibition with respect to petrol having excess lead content

5. Subject to Regulations 6 and 8, no person shall—

- (a) produce, treat, distribute, import, sell, offer for sale, or have in his possession for sale any petrol the lead content of which exceeds the maximum permitted amount under Regulation 4 if he knows or believes that it does so exceed; or
- (b) use, or cause or permit to be used, any petrol the lead content of which exceeds the maximum permitted amount under Regulation 4 if he knows or believes 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 petrol—

- (a) for the purposes of tests or experiments in connection with the composition of motor fuel; or
- (b) for the purposes 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 article, in a case where the composition or content of the fuel is relevant to such design or performance.

(2) Nothing in Regulation 5 shall apply to the production, treatment, distribution, import, sale, offer for sale, or possession for sale of petrol—

- (a) with a view to its use in any aircraft (other than hovercraft) or to the use of petrol in any such aircraft; or
- (b) 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 petrol contained in the tank of a vehicle entering the United Kingdom in a case where the petrol in the tank is to be used for the propulsion of the vehicle or for the driving of any ancillary engine or equipment forming part of the vehicle and the petrol is present in the tank when the vehicle enters the United Kingdom.

(4) As regards any petrol which came into the possession of any person before 1st May 1982 for the purpose of being treated, distributed, imported, sold, offered for sale or possessed for sale, then in relation to the purpose for which such petrol came into the possession of that person, the provisions of Regulation 4(2)(b) are modified so that the results of any such test as is mentioned in Regulation 4(2)(a) may be interpreted either as provided in Regulation 4(2)(b) or in accordance with the rules given in the British Standard therein mentioned but not as revised as therein mentioned.

Information as to the composition of petrol

7. Subject to Regulation 8 every petrol pump in a petrol filling station which is used or is intended to be used to deliver petrol shall be marked by the occupier of the filling station in accordance with the British Standard which is entitled "Specification for Petrol (gasoline) for motor vehicles" and was published on 29th September 1978 under the number BS 4040: 1978.

Power for the Secretary of State to grant exemptions

8. The Secretary of State may by instrument in writing confer exemption from any provision of Regulation 5 or 7 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

9. No person shall be liable to conviction on indictment, or on summary conviction, to a fine exceeding £200 for any contravention of, or failure to comply with, Regulation 5(b).

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 that Act and stating the results of any test carried out in accordance with Regulation 4 of these Regulations shall be received in evidence, and be sufficient evidence of the matters stated in the certificate, and the provisions of subsections (2) to (4) of section 31 of the Trade Descriptions Act 1968(b) (Evidence by certificate) shall apply to any such certificate as they apply to such a certificate as is mentioned in that section.

Revocation

11.—(1) The Motor Fuel (Lead Content of Petrol) Regulations 1976(c) and the Motor Fuel (Lead Content of Petrol) (Amendment) Regulations 1979(d) are hereby revoked.

(a) 1956 c. 30. (b) 1968 c. 29. (c) S.I. 1976/1866. (d) S.I. 1979/1.

4414

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
PUBLIC HEALTH, NORTHERN IRELAND

(2) The revocation effected by paragraph (1) above does not affect the prosecution of any offence committed before 24th November 1981 of contravening any provision of Regulation 5 of the Regulations subject to that revocation.

26th October 1981.

David Howell,
Secretary of State
for Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations, made under sections 75 and 77(1) of the Control of Pollution Act 1974, consolidate, with amendment, the Motor Fuel (Lead Content of Petrol) Regulations 1976 as amended by the Motor Fuel (Lead Content of Petrol) (Amendment) Regulations 1979. Save as provided in paragraphs 2 and 3 below, the only amendment of substance is to provide that the maximum permitted amount of lead per litre of petrol shall be reduced from 0.4 grammes (which level applies from 1st January 1981) to 0.15 grammes on and after 31st December 1985. This is the lowest limit permissible under the terms of Council Directive 78/611 of 29th June 1978 on the approximation of the laws of Member States concerning the lead content of petrol.

2. Section 77(1) of the Control of Pollution Act 1974 provided that a person who contravenes or fails to comply with any provision of regulations under section 75 of that Act shall be guilty of an offence and liable—

- (a) on conviction on indictment to a fine; and
- (b) on summary conviction to a fine not exceeding £400.

Under section 28(2) of the Criminal Law Act 1977 (c. 45) that maximum of £400 was raised to £1,000. In the 1976 Regulations the power given by the proviso to section 77(1) of the 1974 Act was exercised so as to reduce to £50 the maximum fine for any contravention of, or failure to comply with, Regulation 5(b) of those Regulations (using, or causing or permitting to be used, any petrol the lead content of which exceeds the maximum permitted amount knowing, or having reason to believe, that it does so exceed). This reduction is amended to £200 on account of the increase effected under the said section 28(2).

3. The prohibition contained in the Regulations of 1976 relating to producing, treating, distributing, importing, selling, offering for sale or possessing for sale petrol with an excessive lead content was of strict liability; the prohibition in those Regulations relating to using, or causing or permitting to be used petrol with an excessive lead content was dependent on the subjective requirement of knowledge or the objective requirement of having reason to believe. Both prohibitions are, in the new Regulations, dependent on the subjective requirement of knowledge or belief. This change does not affect prosecutions in respect of offences committed before the date on which these new Regulations come into operation.

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

5. Copies of the British Standards mentioned in these Regulations may be obtained from the British Standards Institution, 2 Park Street, London W1A 2BS.

6. The validity of the Instrument of Exemption made in July 1980 by virtue of Regulation 8 of the Regulations revoked by Regulation 11(1) of these Regulations whereby for the period commencing on 1st August 1980 and, subject to any further Instrument, ending on 1st August 1985, exemption from

all the provisions of Regulation 5 of the revoked Regulations (prohibition with respect to petrol having excess lead content) was conferred on—

- (a) persons engaged in producing, treating, distributing, importing, selling, offering for sale or having in their possession for sale petrol of a kind normally used for the propulsion of aircraft (other than hovercraft) but intended for use in fire tests of fire extinguishants; and
- (b) persons using such petrol or causing or permitting such petrol to be used in fire tests of fire extinguishants

is not affected by that revocation.

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